

<p style="text-align: right;">Page 186</p> <p style="text-align: center;">IN THE FIFTEENTH JUDICIAL CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA CASE NO.: 502008CA037319 XXXX MB AB</p> <p>B.B., Plaintiff, vs. JEFFREY EPSTEIN, Defendant.</p> <p style="text-align: center;">VOLUME II VIDEO-TAPED DEPOSITION OF MICHAEL REITER A WITNESS TAKEN BY THE PLAINTIFF</p> <p>DATE: November 23, 2009 TIME: 10:12 a.m. - 7:38 p.m.</p>	<p style="text-align: right;">Page 188</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 187</p> <p>1 I-N-D-E-X 2 November 23, 2009 3 MICHAEL REITER 4 DIRECT CROSS REDIRECT RECROSS 5 6 By Mr. Kuvin 8 352 7 By Mr. Garcia 155 364 8 By Mr. Critton 190 9 10 EXHIBITS 11 Marked 12 13 Plaintiff's Exhibit No. 1 16 14 (Palm Beach PD Intelligence Report 11/28/04) 15 Plaintiff's Exhibit No. 2 31 16 (Incident Reports) 17 Plaintiff's Exhibit No. 3 99 18 (Letter to Barry Krischer) 19 Plaintiff's Exhibit No. 4 131 20 (Photographs of El Brillo Way) 21 Plaintiff's Exhibit No. 5 132 22 (Photo of 358 El Brillo Way) 23 Defendant's Exhibit No. 6 218 24 (Subpeona Duces Tecum) 25 Plaintiff's Exhibit No. 7 356 (Money Transfers) Plaintiff's Exhibit No. 8 357 (Flight Summary) Certified Question: Page 160, Line 10 Letter to John Randolph, Esq. Errata Sheets (to be forwarded upon completion)</p>	<p style="text-align: right;">Page 189</p> <p>1 The deposition of MICHAEL REITER, a witness in the 2 above-entitled and numbered cause was taken before me, 3 Vanessa G. Archer, Court Reporter, Notary Public for the 4 State of Florida at Large, at 2925 PGA Boulevard, Palm Beach 5 Gardens, Florida, on the 23rd day of November, 2009, 6 pursuant to Notice in said cause for the taking of said 7 deposition on behalf of the Plaintiff. 8 9 APPEARING ON BEHALF OF PLAINTIFF B.B.: 10 SPENCER T. KUVIN, ESQ. 11 LEOPOLD-KUVIN, P.A. 12 2925 PGA Boulevard, Suite 200 13 Palm Beach Gardens, Florida 33410 14 15 APPEARING ON BEHALF OF PLAINTIFFS' JANE DOES 2-8: 16 ADAM HOROWITZ, ESQ. 17 MERMELSTEIN & HOROWITZ, P.A. 18 18205 Biscayne Boulevard, Suite 2218 19 Miami, Florida 33160 20 21 APPEARING ON BEHALF OF PLAINTIFF: C.A. 22 JACK HILL, ESQ. 23 SEARCY, DENNEY, SCAROLA, BARNHART & SHIPLEY, P.A. 24 2139 Palm Beach Lakes Boulevard 25 West Palm Beach, Florida 33409 APPEARING ON BEHALF OF PLAINTIFF: ISIDRO GARCIA, Esq. GARCIA LAW FIRM, P.A. The Harvey Building 224 Datura Street, Suite 900 West Palm Beach, Florida 33401</p>

1 (Pages 186 to 189)

<p style="text-align: right;">Page 190</p> <p>1 APPEARING ON BEHALF OF DEFENDANT: 2 ROBERT D. CRITTON, ESQ. 3 BURMAN, CRITTON, LUTTIER & COLEMAN, LLP. 4 515 North Flagler Drive, Suite 400 5 West Palm Beach, Florida 33401</p> <p>6 JACK GOLDBERGER, ESQ. 7 ATTENBURY, GOLDBERGER, RICHARDSON & WEISS, P.A. 8 250 South Australian Avenue, Suite 1400 9 West Palm Beach, Florida 33401</p> <p>10 APPEARING ON BEHALF OF WITNESS: 11 JOANNE O'CONNOR, ESQ. 12 JOHN RANDOLPH, ESQ. 13 JONES, FOSTER, JOHNSTON & STUBBS, P.A. 14 505 South Flagler Drive, Suite 1100 15 West Palm Beach, Florida 33401</p> <p>16 ALSO PRESENT: JEFFREY EPSTEIN</p> <p>17 VIDEOGRAPHERS: MICHAEL D. DOWNEY 18 EDDIE GUERRERO 19 VISUAL EVIDENCE 20 601 North Dixie Highway, Suite A 21 West Palm Beach, Florida 33401</p> <p>22 23 24 25</p>	<p style="text-align: right;">Page 192</p> <p>1 you perceived is, your testimony today during the 2 time that regarding events that occurred during the 3 time you're speaking as, as if you were the Chief or 4 as the Chief during that time period, correct?</p> <p>5 MR. KUVIN: Form.</p> <p>6 THE WITNESS: I hadn't thought about it. 7 All the things we've talked about here happened 8 while I was the Chief of the Police and I can't 9 remove myself from that. What I referred to 10 previously is that -- and when I talk about 11 something today, some of the questions were 12 asked what does the Palm Beach Police 13 Department do. Well what it does today I'm not 14 a part of, and that's what I really refer to.</p> <p>15 BY MR. CRITTON: 16 Q If I understood your testimony, with 17 regard to the exhibits that you were shown, 18 specifically Exhibit 1, which was an intelligence 19 report from November of '08 with regard to the 20 incident report which is dated February 17th, 2006 21 dealing with the Epstein investigation, is neither 22 of those reports were written information is 23 something that you prepared, correct?</p> <p>24 A That's correct.</p> <p>25 Q And with regard to the Exhibit Number 1,</p>
<p style="text-align: right;">Page 191</p> <p>1 CROSS-EXAMINATION 2 BY MR. CRITTON: 3 Q Mr. Reiter, I'm Bob Critton, as I 4 introduced about six hours ago now when Mr. Kuvin 5 started. I represent Mr. Epstein, I have a number 6 of questions for you. 7 If I understand it correctly, you're 8 no longer the Chief, you resigned or you retired in 9 approximately late January of 2009? 10 A February 28th of 2009 I retired. 11 Q All right. And so if I refer to you as 12 Mr. Reiter, that would be appropriate at this point 13 in time? 14 A If you choose to. Some people tell me 15 that once the Chief always the Chief. I've heard 16 that but I do not need that title. 17 Q In terms of the current time, and I think 18 your testimony was, you're not here speaking for the 19 department; is that correct? 20 A Well I can't -- when I said that 21 previously it was a policy issue, I don't make the 22 policy of the police department, but I speak for the 23 actions of the department during the time period 24 that I was Chief. 25 Q So therefore, at least in terms of what</p>	<p style="text-align: right;">Page 193</p> <p>1 you have no personal knowledge with regard to any of 2 the events that are set forth within that 3 intelligence report; is that correct?</p> <p>4 A That's correct.</p> <p>5 Q And in describing for Mr. Kuvin the 6 contents of the form, other than being familiar with 7 the form itself, all of that information you were 8 either seeing for the first time or it's information 9 that you may have seen almost five years ago but you 10 have no recollection as you sit here today?</p> <p>11 A That's correct.</p> <p>12 Q And with regard to that specifically, 13 Exhibit Number 1, which is the report that was 14 completed by Officer Munyan, if I understood your 15 testimony, in going -- at least in looking at that 16 form where it speaks in terms of information 17 acquired by, at least that section, it has personal 18 knowledge and then it's got hearsay of rumor, those 19 are the two categories that are checked, correct?</p> <p>20 A Yes.</p> <p>21 Q And personal knowledge would be something 22 that may have been told to Officer Munyan in his 23 presence or something that he observed?</p> <p>24 A That would be something that they'd check 25 that box for, yes.</p>

<p style="text-align: right;">Page 194</p> <p>1 Q And the hearsay rumor would have been any 2 other information that someone might have said 3 something to him that he is then inputting in his 4 report because he has no first-hand knowledge, 5 correct? 6 A Right. 7 MR. KUVIN: Form. 8 BY MR. CRITTON: 9 Q And then if I go down to information 10 content they have this, as was pointed out, they 11 have different boxes that are checked verified, 12 unverified, explain, partially verified, similar 13 information filed. See that? 14 A Yes. 15 Q And in this particular instance with 16 regard to this incident involved that's referenced 17 as the subject being Mr. Epstein, is it's an -- that 18 is, the information content is the only box checked 19 is unverified? 20 MR. KUVIN: Objection, form. Are you 21 having him read the form proper or his personal 22 information? 23 MR. CRITTON: He already said he has no 24 personal information so how could he testify as 25 to personal information. Stick with the</p>	<p style="text-align: right;">Page 196</p> <p>1 actual document itself doesn't contain any action; 2 that is, there's no check mark or an X or something 3 like that, would that at least from a policy and 4 procedure standpoint that existed with the Palm 5 Beach Police back in the period of November of '04, 6 is that if the police officer took the information 7 and it was evaluated by a supervisor, if in fact 8 there was recommended follow up or was follow up, 9 something would have been checked on the form? 10 MR. KUVIN: Form and speculation. 11 THE WITNESS: Not always. This is like 12 a -- this is a data input type form. And at 13 least during the time that I was Chief that 14 when the special investigation's unit got this, 15 they had their own record keeping that was 16 separate from this. They cared less about 17 writing on here and deciding what was happening 18 than they did their own, and if they even put 19 in their computer. If not, then, you know, 20 this might be the extent of the information 21 about it. 22 Not in every case are the forms like this 23 that I saw in my years in the police department 24 was there something checked on every box, a box 25 checked in the last section.</p>
<p style="text-align: right;">Page 195</p> <p>1 questions and the answers, then we'll all be on 2 the same page. 3 BY MR. CRITTON: 4 Q With regard to information content, the 5 only section that's unchecked is unverified? 6 A There's an X in the unverified box and 7 there's no X in any of the other boxes. 8 Q And at least in looking at the form and 9 recognizing that you have no recollection of ever 10 having seen this form before or what may or may not 11 have been done at that time period, it says 12 evaluated by a supervisor, and at least there's some 13 initials there, correct? 14 A Yes. 15 Q And I think you told us earlier you can't 16 identify whose initials those are, true? 17 A That's correct. 18 Q Now it says recommended follow up by 19 supervisor and there's nothing that's there; that 20 is, that's completely blank? 21 A That's correct. I can't see the one 22 corner because the exhibit sticker's over it. 23 Q Assuming hopefully at an earlier no one 24 put a sticker over something that was actually 25 important, but if I asked you to assume that the</p>	<p style="text-align: right;">Page 197</p> <p>1 BY MR. CRITTON: 2 Q But at least on this particular form? 3 A Nothing is checked or X'd or anything as 4 far as I can see beyond the exhibit sticker. 5 MR. KUVIN: Form to the last question. 6 BY MR. CRITTON: 7 Q But at least on every other section; that 8 is, every other section on this particular form 9 Exhibit Number 1, something is checked or there is 10 information in there except for the recommended 11 follow up by a supervisor, true? 12 MR. KUVIN: Form, speculation. 13 THE WITNESS: Just from looking at it, 14 yes, every other box something is -- there's an 15 entry made somewhere. 16 BY MR. CRITTON: 17 Q All right. Now if I take you to Exhibit 18 Number -- I think it's Exhibit 2 was the incident 19 report involving Mr. Epstein; is that correct? 20 A I don't have it. I do now. 21 Q In terms of this report itself, I think 22 you've already told us, you did participate in the 23 completion of this report, true? 24 A That's correct. 25 Q And in terms of reviewing the report</p>

<p style="text-align: right;">Page 198</p> <p>1 before it was in a completed form, you didn't do 2 that either, did you? 3 A I read the report -- this is a report that 4 was written over a long period of time. I read 5 parts of it incrementally as they went along. 6 Q And so you're at least as to whether -- as 7 you sit here today, have you ever read the entire 8 report? 9 A Yes. 10 Q And did you do that after it was completed 11 by Detective Recarey? 12 A Yes. I know that I read the entire report 13 around the time that we released it under the public 14 records law demands. 15 Q And in terms of at least of this report, 16 it has an occur date, occur from date 1/27/05 and 17 has a -- see that? 18 A Yes. 19 Q And what does occur from date mean? 20 A Typically that would be the first date 21 that covered the time period of some sort of actions 22 that took place that the report documents. 23 Q And then if I go over to page 11, it looks 24 like the initial, at least information, the initial 25 report that was made was on March 14, 2005. Do you</p>	<p style="text-align: right;">Page 200</p> <p>1 of 3/14/2005? 2 MR. KUVIN: Form. 3 THE WITNESS: No. 4 BY MR. CRITTON: 5 Q And when you read this report or portions 6 of the report as it was being prepared, did you ask 7 either Ms. Pagan, Officer Pagan, Detective Pagan or 8 Mr. Recarey or Detective Recarey when it was 9 completed, you know, what's with the 1/27/05 date, 10 why is that date here? Do you recall that 11 conversation or whether such a conversation 12 occurred? 13 A No. And I don't know if that was the date 14 that was on the report that I originally read. 15 Q And now having seen at least the occur 16 date of 1/27/05 and having reviewed this report, you 17 have no knowledge as to why that was used instead of 18 3/14/2005, would that be correct? 19 MR. KUVIN: Form. 20 THE WITNESS: Yes, that's correct. 21 BY MR. CRITTON: 22 Q With regard to the actual incident report 23 that was completed by other detectives, and again I 24 understand is you looked at various portions of it 25 as it was being -- I need to step back.</p>
<p style="text-align: right;">Page 199</p> <p>1 see that? It says on March 14, 2005, I, meaning 2 Michelle Pagan, I received a call from a woman who 3 did not wish to identify herself later identified as 4 such and such. See that? 5 A Yes. 6 Q And I've looked at this report as have the 7 other attorneys. That's the first notation I can 8 see of anyone calling Palm Beach Police and at least 9 initiating some set of facts that in some way 10 related to Mr. Epstein relating to this particular 11 investigation. 12 So my question to you is, is have you 13 seen anything or do you recall anything from the 14 report that would have taken it back to that is as 15 to why an occur date of 1/27/05 exists as distinct 16 from 3/14/2005, which appears to be the first phone 17 call that in some way relates to Mr. Epstein? 18 MR. KUVIN: Form. 19 THE WITNESS: No. 20 BY MR. CRITTON: 21 Q And from having read this before, can you 22 explain why there's almost a two-month or six-week 23 time period between the occur date of 1/27 and the 24 report date; that is, the initial report from 25 someone who had a complaint directed to Mr. Epstein</p>	<p style="text-align: right;">Page 201</p> <p>1 If you go back to page 11, and this 2 is the first report by Ms. Pagan, or Detective 3 Pagan, it says on 3/14/05. And then in the upper 4 right middle of the page it has 9/20/05. Does that 5 indicate that's the date the report started to be 6 prepared, or at least this page was prepared by 7 them, by Detective Pagan or Recarey? 8 A No. That would be the computer entry 9 date. That's the computer entry date. 10 Q Which means that's when they entered it 11 into the computer? 12 A Probably. 13 Q So as to -- was there any written report 14 that was provided to you prior to September 20th of 15 2005; that is, the entry date of this first call 16 that's referenced on 3/14/2005? Does that make 17 sense to you what I just asked? 18 A Yes. 19 Q Good. 20 A I'm sure that I read some sort of report 21 or rough notes or something in that time period. 22 And I think part of what you're getting at is some 23 of these in an investigation like this, it would not 24 be unusual not to put it in our computer system 25 because computer systems can be hacked and so on,</p>

<p style="text-align: right;">Page 202</p> <p>1 there's not case specific passwords for access. If 2 you have access to read police reports you can read 3 all police reports, or at least that's the way it 4 used to be, and it would not be unusual not to enter 5 the actual reports in the computer until long after 6 they're actually written. 7 Q Was there actually a written report, or do 8 you recall seeing a written report, by either 9 Michelle Pagan or Recarey, in particular let's stick 10 with Detective Pagan, that would have predated 11 September 20th, 2005; that is, a written report? 12 And I don't mean a handwritten report but some form 13 of a typewritten report or a computer generated 14 report that you would have seen? 15 MR. KUVIN: Form. 16 THE WITNESS: Do I specifically recall 17 seeing what you've described, no. 18 BY MR. CRITTON: 19 Q And if I understood your testimony earlier 20 is, is with regard to the information that's 21 contained in this report, unless it's specific to 22 you or there's a quote in here or something, and I 23 don't recall whether there are or not, quotes 24 directed to you, the Chief, but with regard to this 25 report, you did not participate in making either any</p>	<p style="text-align: right;">Page 204</p> <p>1 A Absolutely. 2 Q And there may have been lots of other 3 investigations that were ongoing at the time, all 4 for which you were ultimately responsible, true? 5 A Yes. 6 Q And in addition to doing any other 7 investigations, I think you said you were 8 responsible for the safety and welfare of the 9 individuals, plus you have to report back to Mr. -- 10 is it Ewell? 11 A Elwell. 12 Q Elwell. And deal with all the other 13 people who may come in your office during the course 14 of the day, or a week or month, true? 15 A Yes. 16 Q And therefore as to -- excuse me. 17 With regard to the incident report as 18 it was being prepared, and specifically with regard 19 to the interviews, there were taped interviews taken 20 of a number of the alleged victims, both under 21 eighteen, eighteen and above eighteen, true, from 22 what you've read in the report? 23 A Yes. 24 Q And in terms of reviewing the report or 25 ultimately reviewing the incident report, did you</p>
<p style="text-align: right;">Page 203</p> <p>1 of the entries, the information, or making any 2 changes to Exhibit 2; is that correct? 3 A I don't think so. 4 Q And if I also understood your testimony 5 is, you were never present when an interview 6 occurred between any of the alleged victims, whether 7 they were under eighteen, eighteen or over eighteen; 8 is that correct? 9 A That's correct. 10 Q And you weren't present during any of the 11 interviews with any other person who shows up as 12 having been interviewed within this incident report; 13 is that correct? 14 A Well I don't know every single person that 15 was interviewed in here, but I was never a part of 16 any interview, or was I present for any interview of 17 any person as it relates to this case. 18 Q And you weren't party to the search 19 warrant that was conducted at Mr. Epstein's home, 20 correct? 21 A That's correct. 22 Q And I don't mean this -- well, in essence 23 you were then the Chief of Police and so you had 24 other duties and responsibilities separate and apart 25 from the Epstein investigation?</p>	<p style="text-align: right;">Page 205</p> <p>1 ever go back and check with regard to, or do any 2 type of fact checks, so to speak, to determine 3 whether or not the information in the report was 4 accurate or not? 5 A Personally? 6 Q Yes, sir, personally, did you ever do 7 that? 8 A No. I have a very high level of trust 9 with the employees of the department and they would 10 do -- I know they would do that to the extent 11 necessary, for important facts at least, before they 12 would write the report. No, that's not my role as 13 Police Chief. 14 Q And I'm not saying it is, but my question 15 I guess is more directed to if in fact the report 16 itself, Detective Recarey's report, contains a 17 number of omissions of information of information 18 that was given in statements by some of the alleged 19 victims that did not get included in the report that 20 would be considered significant, would that concern 21 you as the Chief of Police? 22 MR. KUVIN: Object to form. 23 THE WITNESS: Well you can't include the 24 substance of all of the statements in the 25 incident report or otherwise, instead of a</p>

<p style="text-align: right;">Page 206</p> <p>1 half-inch pile it would be a many boxes thick 2 pile. If it was important information that 3 either, you know, the weight to the voracity of 4 the witness or anything that was serious or 5 important, it should generally be included in 6 here. And that's why we have supervisors 7 review things, and this was reviewed by 8 supervisors to make sure that most of the 9 information that's important are included in 10 there. 11 BY MR. CRITTON: 12 Q Okay. But if in fact there was an 13 important fact associated with the statement given 14 by an alleged victim that was in some way 15 exculpatory as to in this instance Mr. Epstein, that 16 type of information should be included in the 17 report, true? 18 MR. KUVIN: Form, vague. 19 THE WITNESS: If it was an important 20 exculpatory fact, yes. 21 BY MR. CRITTON: 22 Q Such as, and let me just give an 23 example -- by the way, we've been here almost -- 24 it's almost 4 o'clock now, we started at 10:00 and 25 took an hour for lunch so we've been here almost six</p>	<p style="text-align: right;">Page 208</p> <p>1 A I have read it at some point, yes. 2 Q Did you ever review it to determine 3 whether or not it was accurate? 4 MR. KUVIN: Form, vague. 5 THE WITNESS: I didn't review as Chief 6 generally probable cause affidavits or police 7 reports for accuracy because I would have no 8 first-hand knowledge to compare things to. I 9 had to trust that that information was in there 10 either by the author or the supervisors that 11 had far more information about the 12 investigation than I did. 13 BY MR. CRITTON: 14 Q Because based upon your experience in 15 dealing with them you expected -- well, let me 16 strike that. 17 Based upon the way you ran the 18 department in terms of your practice and procedure, 19 you would expect that your detectives and their 20 supervisors in preparing a report would be as 21 accurate as possible when and if in fact they -- oh, 22 first of all it would be as accurate and complete as 23 possible, true? 24 MR. KUVIN: Form, vague. 25 THE WITNESS: Yes.</p>
<p style="text-align: right;">Page 207</p> <p>1 hours, five hours at least in testimony. Do you 2 recall anyone asking you about -- in Mr. Kuvin's 3 case he represents a client named B.B. Did he ever 4 ask you whether that name meant anything to you? 5 MR. KUVIN: Form, I think. 6 BY MR. CRITTON: 7 Q Do you recall? 8 A No. 9 Q And if I ask you to assume that she's not 10 one of the victims that's listed on the -- or at 11 least in the police report as being a quote, 12 unquote, alleged victim, have you ever heard of that 13 name? 14 A I can't say that I have. It was never 15 important to me to connect the names of the victims 16 to the accounts of what happened. If it was one of 17 the names that appeared on the letter that I 18 received from the U.S. Attorney, I would have read 19 it, but I don't specifically remember that name. 20 Q Let me get back then to the statement or 21 the incident report that was prepared by Detective 22 Recarey. As an example -- well, let me strike that. 23 You're also familiar with the 24 probable cause affidavit that Officer or Detective 25 Recarey prepared?</p>	<p style="text-align: right;">Page 209</p> <p>1 BY MR. CRITTON: 2 Q And if in fact you were to learn that your 3 detective and/or supervisor who was reviewing the 4 detectives, either the report or probable cause 5 affidavit had made what you would consider to be a 6 material or a significant omission, would you expect 7 either the detective or the supervisor to direct 8 that either the probable cause affidavit or the 9 incident report be corrected to reflect the true 10 information? 11 MR. KUVIN: Form, vague. 12 THE WITNESS: First you said an omission 13 and then you ended that question with something 14 that would be truthful. I don't understand, 15 that's two different things. 16 BY MR. CRITTON: 17 Q Let me use the two different examples. 18 Let's assume that a victim said, an alleged victim 19 said, I told Mr. Epstein I was eighteen years old 20 and that I was a senior in high school, etcetera, 21 would you consider that to be an important statement 22 made by the victim to be included in the probable 23 cause affidavit; that is, the information that they 24 conveyed to Mr. Epstein? 25 MR. KUVIN: Form, vague.</p>

<p style="text-align: right;">Page 210</p> <p>1 THE WITNESS: No.</p> <p>2 BY MR. CRITTON:</p> <p>3 Q Why not?</p> <p>4 A It's my understanding of the law that it</p> <p>5 doesn't matter whether or not the suspect believe</p> <p>6 the person to be older, to be an adult, that's my</p> <p>7 understanding.</p> <p>8 Q Depends on the alleged crime though as</p> <p>9 well. In some instances someone -- are you familiar</p> <p>10 that a sexual battery can occur on an individual or</p> <p>11 an alleged sexual battery can occur, but if in fact</p> <p>12 the individual consented and was over the age of</p> <p>13 twelve as a matter of fact, no force, no physical,</p> <p>14 under those circumstances, and no intercourse, no</p> <p>15 anal sex, no oral sex, no penetration, then in fact</p> <p>16 that can be -- it will not be considered a battery</p> <p>17 as long as it was consensual?</p> <p>18 MR. GARCIA: Form, objection, misstates</p> <p>19 the law.</p> <p>20 MR. KUVIN: And calls for a legal</p> <p>21 conclusion from a non-legal witness.</p> <p>22 THE WITNESS: You know, I've got the room</p> <p>23 full of lawyers and you're asking me to</p> <p>24 interpret a law that's not even in front of me.</p> <p>25</p>	<p style="text-align: right;">Page 212</p> <p>1 either the probable cause affidavit or within the</p> <p>2 police report where there was some allegations that</p> <p>3 some sort of purple sex toy had been used with one</p> <p>4 of the victims? Does that ring a bell with you at</p> <p>5 all?</p> <p>6 A Yes.</p> <p>7 Q Did you ever come to learn any -- you</p> <p>8 recall that was either an investigation and/or as</p> <p>9 well and within the probable cause affidavit, did</p> <p>10 you ever come to learn that in fact that the purple</p> <p>11 object was in fact subsequently identified as</p> <p>12 something else?</p> <p>13 A At some point I recall hearing that, yes.</p> <p>14 Q And if in fact in the probable cause</p> <p>15 affidavit and/or the investigative report, Exhibit</p> <p>16 2, it had been -- the purple object had been</p> <p>17 identified as this sex toy and in fact became later</p> <p>18 identified as something that was not a sex toy, did</p> <p>19 you then direct either Detective Recarey to, or</p> <p>20 anyone else, to make that alteration in his report?</p> <p>21 A Well I don't know when I heard that. I</p> <p>22 heard that that was an assertion. I don't know if</p> <p>23 we as a department ever decided if we agreed with</p> <p>24 that, I really don't know. I never saw this purple</p> <p>25 alleged sex toy, but I would envision that the</p>
<p style="text-align: right;">Page 211</p> <p>1 BY MR. CRITTON:</p> <p>2 Q I understand. But you've mentioned the</p> <p>3 law, that's why I was --</p> <p>4 A Well it is my general understanding that</p> <p>5 it's not a defense, and I'm not going to</p> <p>6 specifically say what crime, but these general types</p> <p>7 of crimes if the suspect believes the person to be</p> <p>8 older and then they are not.</p> <p>9 Q And that's what your belief was of the</p> <p>10 law?</p> <p>11 A In general, yes.</p> <p>12 Q If in fact it did; that is, if in fact an</p> <p>13 individual could consent to contact under some</p> <p>14 circumstances and age was significant, then that</p> <p>15 would be a material fact that should be included in</p> <p>16 the report, fair?</p> <p>17 MR. GARCIA: Form.</p> <p>18 MR. KUVIN: Form, misstates the law.</p> <p>19 THE WITNESS: I don't know if that's true</p> <p>20 or not. But if it was, that's the kind of</p> <p>21 information that I would hope would appear in a</p> <p>22 report, yes.</p> <p>23 BY MR. CRITTON:</p> <p>24 Q And with regard to -- at least there was a</p> <p>25 statement -- do you remember seeing a statement in</p>	<p style="text-align: right;">Page 213</p> <p>1 distinction between whether an object that was</p> <p>2 intended to be a sex toy or not is really important.</p> <p>3 I don't know if we ever drew the conclusion that we</p> <p>4 were inaccurate in the characterization of this</p> <p>5 purple object. That was not a huge issue to me in</p> <p>6 this case.</p> <p>7 Q What did you learn, or what did you learn</p> <p>8 in some fashion that the purple object was actually?</p> <p>9 A I don't remember. All I remember was that</p> <p>10 there was an assertion that something we identified</p> <p>11 as a sex toy in the report that later on there was</p> <p>12 an explanation that it was something else.</p> <p>13 Q Remember -- I'm sorry.</p> <p>14 A I don't recall what, it really wasn't that</p> <p>15 important to me, and I don't recall when I learned</p> <p>16 that.</p> <p>17 Q Do you ever recall that the quote,</p> <p>18 unquote, purple sex toy, was identified to be a</p> <p>19 broken piece of a salad fork?</p> <p>20 A No.</p> <p>21 Q If in fact it had been called a sex toy by</p> <p>22 Officer Recarey and you were able to confirm that it</p> <p>23 was in fact a piece of a broken salad fork, don't</p> <p>24 you think the report should have been clarified so</p> <p>25 that the information in the report did not</p>

<p style="text-align: right;">Page 214</p> <p>1 misstate -- and there's a pretty big difference 2 between a salad fork and a alleged sex toy, would 3 you agree with me? 4 MR. KUVIN: Form. 5 THE WITNESS: If all of that had happened 6 prior to the closing of the case, is it 7 something that I would have preferred was 8 supplemented and updated in the report, yes. 9 If all those things you said were true, do I 10 think it's a gigantic omission, no. 11 BY MR. CRITTON: 12 Q And again, I've just given you a couple of 13 examples. But if the report was replete with a 14 number of either omissions or misstatements, that 15 would have concerned you as the Chief, be a fair 16 statement? 17 MR. KUVIN: Form, vague. Misstatement 18 too. 19 THE WITNESS: This was a long 20 investigation over time and you can see, many 21 pages long. I've done investigations as a 22 detective that was complicated like this and it 23 took many pages to document. A certain level 24 of that is going to happen for the world's best 25 detective.</p>	<p style="text-align: right;">Page 216</p> <p>1 gone back and you had looked at Detective Recarey's 2 report and found substantial omissions and 3 misstatements of the facts, would that have caused 4 you to question the objectivity of Detective Recarey 5 in the preparation of the report? 6 MR. KUVIN: Form, vague as to substantial. 7 THE WITNESS: I'm a trusting person, even 8 as a police officer, and I would have first 9 wondered whether or not the omission occurred 10 as a result of a mistake rather than a lack of 11 objectivity of putting it in there. That's -- 12 that would be my first consideration, would be 13 hey, you missed something here, rather than are 14 you objective. 15 BY MR. CRITTON: 16 Q And you'd have to look at the number of 17 either omissions or misstatements to determine, at 18 least in your own mind, whether there was some sort 19 of lack of objectivity; fair statement? 20 A If I had -- yeah. If I became concerned 21 with his objectivity or any person's objectivity in 22 a case, then I would have to exam that, yes. 23 Q Let me ask you this. There was a lot of 24 questions, like a lot a lot of questions about 25 donations by Mr. Epstein. If I understood your --</p>
<p style="text-align: right;">Page 215</p> <p>1 You use the term replete. If it was 2 replete with all of that, I would have concern, 3 yes. 4 BY MR. CRITTON: 5 Q And part of what you were saying is you 6 were critical of Mr. Krischer in the way that he ran 7 his department, with at least with regard to the 8 Epstein case, true? 9 A No, that is not what I said. 10 Q So in fact Mr. Krischer's handling of the 11 Epstein case from your perspective is it was handled 12 appropriately? 13 A I didn't say that either. 14 Q If you weren't critical and you didn't 15 think it was handled appropriately, where would you 16 define that middle ground? 17 A I told him that I thought he did not have 18 appropriate objectivity to make decisions about this 19 case, and that he should follow the statute and ask 20 the governor to remove his State Attorney's Office 21 from the prosecution of the case and appoint a 22 different one. 23 Q If in fact you had both the time and it 24 was part of your job, and I recognize you had lots 25 of other things to do during that time, if you had</p>	<p style="text-align: right;">Page 217</p> <p>1 And you remember those questions earlier today, 2 correct? 3 A Generally, yeah. 4 Q If I understood you correctly is that 5 every year the police department, maybe other 6 departments, but at Palm Beach they have a kind of 7 wish list of things, if we had X amount of dollars 8 we might be able to buy these additional things for 9 the police department. And I've seen it from the 10 shiny sheet, fire department has a similar program 11 so that people can donate if they feel both generous 12 and think it would be important for the town. Is 13 that a fair statement? 14 A We had that for years. In fact it was 15 even a published document for years. But I don't 16 think there was a formal -- I don't think there is 17 currently a formal wish list, gift list. At some 18 point it was discontinued. 19 Q And I don't care about today, I'm more 20 interested in the past during the time that Mr. 21 Epstein made some donations, I think before you were 22 Chief, and then sometime after you were Chief. Can 23 I assume that Mr. Epstein wasn't the only individual 24 that made donations to the Police Department? 25 A You can and you would be correct in that</p>

<p style="text-align: right;">Page 218</p> <p>1 assumption.</p> <p>2 Q And can I -- would it be also correct that</p> <p>3 a number of individuals separate and apart from</p> <p>4 Mr. Epstein made substantial donations with regard</p> <p>5 to help and buy certain police equipment, or to</p> <p>6 obtain certain training that that particular person</p> <p>7 or couple felt to be beneficial for the police</p> <p>8 department and members of its staff?</p> <p>9 A Yes.</p> <p>10 Q And I assume there have been donations</p> <p>11 substantially larger than Mr. Epstein's and</p> <p>12 donations substantially smaller than Mr. Epstein's.</p> <p>13 Would that be a fair statement?</p> <p>14 A Yes.</p> <p>15 Q And therefore someone donating either</p> <p>16 equipment or cash, or whatever the circumstances,</p> <p>17 would not be unusual based on your experience in the</p> <p>18 Town of Palm Beach during the twenty-eight years you</p> <p>19 were a police officer there, true?</p> <p>20 A Yes.</p> <p>21 Q I served you with a -- I take that back.</p> <p>22 I served Mr. Randolph on your behalf</p> <p>23 with a subpoena duces tecum. Are we on Number 6?</p> <p>24 MR. KUVIN: We are.</p> <p>25 MR. CRITTON: Let me just mark it as</p>	<p style="text-align: right;">Page 220</p> <p>1 subpoena, I think separate and apart from personal</p> <p>2 phone records, I think that you indicated -- they</p> <p>3 indicated to me that you did not have any documents.</p> <p>4 So my question to you is, and</p> <p>5 assuming they don't correct me, is that accurate,</p> <p>6 that would be responsive to the various categories</p> <p>7 or documents that were requested?</p> <p>8 A Well obviously, you know, I could have my</p> <p>9 telephone bill from last month sitting at home, I</p> <p>10 really don't know that for sure. But other than</p> <p>11 those areas, these are other things that were the</p> <p>12 records of the Palm Beach Police Department, that's</p> <p>13 correct, I don't have these records.</p> <p>14 Q And in terms of separate and apart from</p> <p>15 whether -- excuse me -- you have to produce phone</p> <p>16 records or not, which is another issue that we'll</p> <p>17 either agree amongst the lawyers or we'll take it up</p> <p>18 with the judge, do you keep phone bills; that is, do</p> <p>19 you keep your own old phone bills?</p> <p>20 A No. I get them electronically and delete</p> <p>21 them. Wait a second, I don't want to -- why am I</p> <p>22 answering these questions. These are -- I mean --</p> <p>23 you know, I have -- this is privileged information</p> <p>24 that you're asking me for about my personal life.</p> <p>25 And I've been out of government since the end of</p>
<p style="text-align: right;">Page 219</p> <p>1 Exhibit Number 6. I'm not covering anything up</p> <p>2 that's hidden. Spencer, if you could pass --</p> <p>3 or Joanne, if you can pass that down. Thank</p> <p>4 you.</p> <p>5 BY MR. CRITTON:</p> <p>6 Q When you received the subpoena I assume --</p> <p>7 let me strike that.</p> <p>8 You've given depositions before?</p> <p>9 A That's correct.</p> <p>10 Q All right. And have you been asked to</p> <p>11 appear for depositions where you've been asked to</p> <p>12 bring documents?</p> <p>13 A Yes.</p> <p>14 Q So when you saw this subpoena you saw the</p> <p>15 list of documents that you would bring, or you're</p> <p>16 familiar with at least the procedure; that is, you</p> <p>17 were to look and determine whether or not you had</p> <p>18 any documents, correct?</p> <p>19 A Yes.</p> <p>20 Q And I'll represent to you that I had a</p> <p>21 conversation with both Mr. Randolph and Ms. O'Connor</p> <p>22 earlier this week, or maybe it was last week, and</p> <p>23 they related to me that you didn't have any, and</p> <p>24 Skip can correct me, or Joanne, if I'm wrong, but as</p> <p>25 to the documents that were requested in the</p>	<p style="text-align: right;">Page 221</p> <p>1 February.</p> <p>2 Q Let me make it clear. I'm not interested</p> <p>3 about your personal phone -- well, let me take it</p> <p>4 back because I know there's some other questions I</p> <p>5 may need to ask, but we'll get to that in just a</p> <p>6 minute.</p> <p>7 During the time that you were Chief,</p> <p>8 did you use your personal phone for business or did</p> <p>9 you use -- did you have a cell phone that was, for</p> <p>10 example, a cell phone that was provided to you by</p> <p>11 the Town of Palm Beach?</p> <p>12 A I had a personal cell phone that I used</p> <p>13 for personal reasons that I paid for myself that</p> <p>14 also I used for business.</p> <p>15 Q And I won't ask you what the phone number</p> <p>16 is because we'll -- number one, you commented that</p> <p>17 you wouldn't give it to me today. But secondly,</p> <p>18 it's an issue that we'll take up with the judge to</p> <p>19 determine whether or not that's any type of</p> <p>20 information that you're required to produce.</p> <p>21 But let me ask this question. Did</p> <p>22 you make calls on that cell phone from time to time</p> <p>23 during the time of the investigation, or received</p> <p>24 calls during the time the Epstein investigation was</p> <p>25 ongoing, regarding Mr. Epstein or any aspect of the</p>

<p style="text-align: right;">Page 222</p> <p>1 investigation, or discussions you may have had with 2 the FBI, the U.S. Attorney's Office, State 3 Attorney's Office? 4 A Did I use my personal cell phone for 5 conversations that relate to this case, is that what 6 you're asking me? 7 Q Correct. That is, either you could make 8 the call or someone could call you because they knew 9 what your number was? 10 A I don't remember any specific phone calls. 11 I try not to use a cellular phone for investigations 12 because they can be easily listened in to. I don't 13 remember specifically doing it but it's possible. 14 Q In terms of -- and if I understood you, 15 you had a cell phone for personal use and you used 16 that both for business, could have been used for 17 business as well as personal during the time you 18 were Chief, that's the only cell phone you had? 19 A I only have one cell phone, if that's what 20 you're asking me. 21 Q Correct. 22 During the course of the Epstein 23 investigation, did you make any personal notes 24 regarding any conversations or communications or 25 conferences that you had with anyone?</p>	<p style="text-align: right;">Page 224</p> <p>1 all of those sorts of things and they all still 2 remain somewhere probably, unless they were 3 destroyed. 4 BY MR. CRITTON: 5 Q So to the extent that you made any notes 6 and you wanted to keep them, at least the time your 7 assistant would have filed them away, then more 8 likely than not they would still be with the town or 9 with the police department assuming no one tossed 10 them? 11 A I didn't keep a personal file on this case 12 if that's what you're asking me. 13 Q All right. Maybe that's even the better 14 question is, is did you keep any records whatsoever 15 with regard to this case that were any way personal 16 to you? 17 A Somewhere I probably have copies of some 18 of the news media coverage that specifically 19 mentioned me, couple of things I can think of 20 unfavorably, that I made copies of and put in some 21 file somewhere, but not notes that I -- I didn't 22 keep a personal file on the case. 23 Q With regard to correspondence that you 24 had, I know you identified the one letter that you 25 had written to Mr. Krischer, which I think we have</p>
<p style="text-align: right;">Page 223</p> <p>1 A Not that I can recall. I'm sure though at 2 some point I was talking to -- there were some 3 reference in here to discussing a plea, the details 4 of the plea. And what I typically do is, you know, 5 that kind of phone call occurs and I have to assume 6 that that happened over the telephone, the one you 7 asked me about or someone else did earlier, and I 8 generally write those things down sort of in a list, 9 and then I look at it and generally throw it away. 10 Q When you left, when you retired as the 11 Chief, did you have any personal files that related 12 to -- when I say personal files, personal files for 13 you as the Chief in terms of notes, records, 14 etcetera, that you had in files that may have been 15 specific to cases or maybe a file that just said, 16 you know, cases 2005, cases 2006, where you would 17 jot down, either you're doodling, you're making 18 notes? Maybe it was about talking with the U.S. 19 Attorney's Office or talking about the plea or 20 something like, and you stuffed it into a file and 21 those files remained back with the Town of Palm 22 Beach when you retired? 23 MR. KUVIN: Form. 24 THE WITNESS: No. It was a more formal 25 system than that. My assistant kept files of</p>	<p style="text-align: right;">Page 225</p> <p>1 identified as the May 1st, 2006 letter, Exhibit 3, 2 was that the only correspondence that you had with 3 the -- you as the chief had, with either 4 Mr. Krischer or any representative for the State 5 Attorney's Office? 6 A Written correspondence? 7 Q Yes, sir. 8 A Yes. 9 Q Did you have any written correspondence 10 with the FBI? 11 A No. 12 Q Did you have any written correspondence 13 with any -- you initiating the correspondence and 14 sending it to the United States Attorney's Office, 15 either the assistant Ms. Villafana, Mr. Acosta, or 16 any other representative of the United States 17 Government? 18 A No. 19 Q Did you have any other -- 20 A I guess I have to clarify that. I gave an 21 award, which was a printed award, at one of our 22 crime watch ceremonies without being specific to 23 this particular case for just general cooperation to 24 the Assistant U.S. Attorney Villafana and FBI agent 25 Nesbitt Kirkendall and a male agent, whose name</p>

1 escapes me at this moment, that assisted her in the
2 case, and that's I suppose correspondence at some
3 level. It was a plaque just for their assistance,
4 their cooperation. Non-specific.

5 Q Was there an award's ceremony at which
6 time you presented the plaque, or was it something
7 that you just sent to them?

8 A I presented the plaque at the Annual Palm
9 Beach Crime Watch breakfast. I think probably the
10 last one that happened when I was Chief and the male
11 FBI agent couldn't make it but the other two were
12 there. They were there part of a bunch of awards
13 that I gave out, called them forward, read what it
14 said, you know, cooperation, assistance in support
15 of so and so, and hand that out. So that
16 correspondence.

17 Q Separate and apart from that, did you have
18 any correspondence that you directed to the ASA or
19 FBI other than the award?

20 A No, not that I can remember.

21 Q Was there any governmental agency or law
22 enforcement agency that you ever directed any
23 correspondence to from your office, from you to
24 them, regarding the Epstein investigation?

25 A Personally, no. But we've already talked

1 about it, we did transmit --

2 Q I understand that, I'm just talking about
3 you.

4 A -- a variety of information -- okay -- for
5 the department to -- no, I never wrote any letters
6 to any governmental agency other than what I've told
7 you about, nor did I receive any written
8 correspondence from governmental agencies other than
9 what I've told you about.

10 Q Let me go back to now as to receiving
11 information. Did Mr. Krischer ever write any
12 correspondence to you regarding the Epstein
13 investigation? Doesn't have to be a formal letter.

14 A I'm trying to think. Typically when law
15 enforcement presents an application for a capias,
16 that there's a written response, but I can't
17 remember if there was. And that typically is
18 directed to the agency head. I can't remember if
19 there was one in this case when we presented the
20 application, probable cause affidavit.

21 I mean I'm trying to be exhaustive
22 because you're asking me to do that and I might not
23 even see that if it was ever sent. But I can't -- I
24 cannot recall anything that the State Attorney's
25 Office wrote in this case that they directed to me

1 that I received.

2 Q With regard to the United States
3 Attorney's Office, did you ever receive any
4 documents from them other than the letter and -- or
5 what you described as the list from Ms. Villafana?

6 A No.

7 Q Mr. Acosta, he never wrote you any letters
8 directly, correct?

9 A I don't believe so.

10 Q I think you -- but you did indicate you
11 spoke with him at one point?

12 A That is correct.

13 Q Jeffrey Sloman, do you know Mr. Sloman?

14 A I recognize the name. Yes, I think he was
15 I think the first Assistant U.S. Attorney, or
16 something like that.

17 Q I assume you received no correspondence
18 from him, true?

19 A No.

20 Q Did you ever speak with him?

21 A I believe so. He's the U.S. Attorney,
22 currently acting U.S. attorney?

23 Q Correct.

24 A I believe so, I did, when I spoke with the
25 U.S. Attorney.

1 Q And Ms. Villafana, I think you said you
2 received a -- did you receive a letter from her with
3 a list of names or did you receive a list separate
4 as an attachment or in conjunction with a letter
5 that was sent?

6 A I think it was a letter that the names
7 were included.

8 Q Was it Ms. Villafana who told -- well, let
9 me strike that.

10 Prior to receiving the letter, did
11 she indicate, she Mr. Villafana, indicate to you
12 that she was going to send you a letter with names,
13 that you were to read the letter, compare with
14 whatever list that you had, names that you had, and
15 then you were to destroy it?

16 A I'm not sure if she indicated that in a
17 conversation prior to my receiving the letter or
18 when I contacted her once I received the letter and
19 said are you sure it's okay for me to destroy this.

20 Q And again, it was Ms. Villafana who said
21 destroy the letter with the contents of the letter?

22 A The letter said that in the letter and she
23 said that when I talked to her.

24 Q Right. But she was the one who signed the
25 letter?

<p style="text-align: right;">Page 230</p> <p>1 A Yes.</p> <p>2 Q Is that the only correspondence that you</p> <p>3 ever received from Ms. Villafana?</p> <p>4 A I think so.</p> <p>5 Q Did you ever receive any correspondence</p> <p>6 from the FBI, you directly?</p> <p>7 A Relative to this case?</p> <p>8 Q I'm sorry, yes, of course.</p> <p>9 A No, I did not receive any correspondence</p> <p>10 relative to this case from the FBI.</p> <p>11 Q With regard to the Epstein investigation,</p> <p>12 to your knowledge were there ever any type of wire</p> <p>13 taps, phone taps related to Mr. Epstein that were</p> <p>14 conducted by the Palm Beach Police Department?</p> <p>15 A Not by the Palm Beach Police Department.</p> <p>16 Q Are you aware of any other agency who</p> <p>17 advised you that in fact phone taps or wire taps of</p> <p>18 some sort were being performed or directed to Mr.</p> <p>19 Epstein?</p> <p>20 A I was never advised of that.</p> <p>21 Q Were you aware -- did Palm Beach Police</p> <p>22 Department ever engage in any surveillance of either</p> <p>23 Mr. Epstein or his home here in Palm Beach?</p> <p>24 A Yes.</p> <p>25 MR. KUVIN: Form.</p>	<p style="text-align: right;">Page 232</p> <p>1 County?</p> <p>2 A Yes.</p> <p>3 Q And with regard to the surveillance that</p> <p>4 was done, did any of the surveillance ever depict,</p> <p>5 as you described it, young girls or young females</p> <p>6 that caused you any concern or that was brought of</p> <p>7 any concern to you?</p> <p>8 MR. KUVIN: Form.</p> <p>9 THE WITNESS: I would have only known this</p> <p>10 by report of a detective, and I don't recall</p> <p>11 seeing what you described.</p> <p>12 BY MR. CRITTON:</p> <p>13 Q Or being told of that?</p> <p>14 A That's correct. If I could, you know what</p> <p>15 I would like to do, I would like to check my</p> <p>16 messages at some point and take a quick break for</p> <p>17 that, my phone is going off.</p> <p>18 Q Please.</p> <p>19 A You don't want to see that right now, do</p> <p>20 you?</p> <p>21 Q Well I do, but you're not going to show it</p> <p>22 to me.</p> <p>23 THE VIDEOGRAPHER: We're off the record at</p> <p>24 4:18, this is the end of tape 4.</p> <p>25 (Off the record)</p>
<p style="text-align: right;">Page 231</p> <p>1 BY MR. CRITTON:</p> <p>2 Q During what time period was there</p> <p>3 surveillance of Mr. -- well, let me strike that.</p> <p>4 Did you ever look at any of the</p> <p>5 surveillance?</p> <p>6 A I never personally conducted the</p> <p>7 surveillance, nor did I ever look at photographs or</p> <p>8 videos. Even if they existed, I don't know if they</p> <p>9 do, no. I do know that from reading the report and</p> <p>10 talking to the detectives there was surveillance</p> <p>11 conducted, yes.</p> <p>12 Q Did they ever indicate to you that as a</p> <p>13 result -- well, let me strike that.</p> <p>14 Was there surveillance only of Mr.</p> <p>15 Epstein's home?</p> <p>16 A I don't think so. I think that we knew</p> <p>17 where he parked his aircraft and there were times</p> <p>18 that we watched the aircraft. I don't specifically</p> <p>19 remember the surveillance happening anywhere other</p> <p>20 than his home or wherever he took the aircraft, but</p> <p>21 it certainly would have been possible. It wouldn't</p> <p>22 have mattered where, we were trying to observe</p> <p>23 whether or not there were young girls coming or</p> <p>24 going, we would do that wherever.</p> <p>25 Q And in fact -- but within Palm Beach</p>	<p style="text-align: right;">Page 233</p> <p>1 THE VIDEOGRAPHER: We're back on the</p> <p>2 record at 4:30. This marks the beginning of</p> <p>3 tape 5.</p> <p>4 BY MR. CRITTON:</p> <p>5 Q Let's see. When we finished talking just</p> <p>6 about -- Palm Beach Police Department in terms of</p> <p>7 its policies and procedures, was there actually a</p> <p>8 policy and procedure book?</p> <p>9 A Yes.</p> <p>10 Q And did that include officers, that would</p> <p>11 have included you, detectives, making comments to</p> <p>12 media outlets, local news, etcetera? Was there a</p> <p>13 policy and procedure in effect back in '04, '05,</p> <p>14 '06, '07?</p> <p>15 A Yes.</p> <p>16 Q Are you the one who set that procedure?</p> <p>17 At least it was in effect -- well, let me strike</p> <p>18 that.</p> <p>19 You certainly would have been the</p> <p>20 person who would monitor and make certain it was the</p> <p>21 policy and procedure that you wanted for any</p> <p>22 officer, detective or yourself commenting to a news</p> <p>23 media, true?</p> <p>24 A Yes.</p> <p>25 Q Let me ask you a question in terms of,</p>

<p style="text-align: right;">Page 234</p> <p>1 just so I have a timeline in my head. It looks 2 like, at least from the incident report, the call 3 that came in from one of the alleged victims, 4 parents or relation in some way, was on March 14th 5 of '05, correct, you saw that in the report? 6 A Yes. 7 Q And we know the investigation, at least 8 looking at the incident report, the incident report 9 was concluded, the report was prepared as of 10 February 17th of '06, correct? 11 That's also on the face of that 12 report. It's got report date. I'm sorry, it's got 13 -- 14 A First page it's March 14th of -- 15 Q '05. And how do I know that then. Oh, 16 I'm sorry, the upper left-hand corner. 17 A That would have been the -- I think that's 18 the date and time that the report was printed. 19 Q And the report then, that would have been 20 its final -- that is, it would have been in its 21 final form, at least as of February 17th of '06? 22 A Well if this was printed on 7/19/06 at 23 3:01 p.m., this was the format that it was in at the 24 time that it was printed. 25 Q I'm sorry --</p>	<p style="text-align: right;">Page 236</p> <p>1 State Attorney, Lanna -- is it Belo -- Belohlavek? 2 A I know who you're referring to, it's -- 3 Q Belohlavek told you that the case would be 4 taken to the Grand Jury. Is that in essence when 5 your investigation would end? 6 A Yeah, pretty much. But it doesn't 7 reflect, it doesn't say investigation closed. 8 And the other thing that would 9 typically be here, and this is a Grand Jury so it's 10 different, we would get a letter from the State 11 Attorney's Office saying if it was noll prossed or 12 the charges were, and that would be included as the 13 final entry, but I don't see that here. 14 Q And in terms of the Grand Jury, we know 15 from the report that it was going to the Grand Jury 16 sometime in mid July, correct? 17 A Convened July 19th, yes. 18 Q And were you aware that the Grand Jury 19 came down with its indictment on or about the latter 20 part, around July 27th, 28th of '06? 21 A I don't recall the date. 22 Q Do you recall that the Grand Jury -- what 23 the charge was, the single charge the Grand Jury 24 came back with? 25 A Precisely, no, but it had the effect of</p>
<p style="text-align: right;">Page 235</p> <p>1 A Were there any additions or changes, I 2 don't know. 3 MR. CRITTON: If you could, Spencer, would 4 you pass me Exhibit 2 back again please. 5 MR. KUVIN: Sure. 6 BY MR. CRITTON: 7 Q All right. You're looking at a report 8 date, or at least a print date of 7/19/06, which is 9 on Exhibit 2, correct, that's the date, at least the 10 report print date? 11 A Yes. I think that's the date that the 12 report was printed, yes. 13 Q Does it indicate when the report was 14 finalized; that is, is there something within the 15 report that would reflect when it was finalized? 16 A Finalized. Well, generally how reports 17 end, if they do end, because if it's an active 18 investigation and it's not solved it could be 19 suspended, it could be closed, it could be active, 20 there'd be -- usually the last narrative, the last 21 supplement would reflect the status. And the last 22 page that I see is 7/12/06, says investigation 23 continues, but we know at some point it ended. 24 Q Would the investigation end when in fact 25 the report -- I'm sorry, when the ASA, Assistant</p>	<p style="text-align: right;">Page 237</p> <p>1 solicitation for prostitution with two individuals 2 that constituted a felony, something like that. 3 Q But it was a single charge for felony 4 solicitation? 5 A Yes. 6 Q And it did not reference minor, did it? 7 A I don't remember. You probably have a 8 copy of it. 9 Q Subsequent to that; that is, following the 10 Grand Jury, Mr. Epstein was arrested? That is, 11 subsequent to the indictment? 12 A I read in the newspaper that he turned 13 himself into the State Attorney's investigators, 14 yes. 15 Q But the Palm Beach Police would not have 16 been involved in that? 17 A We were not a party to that, no. 18 Q In May -- in looking at Exhibit 3 there's 19 the May 1, 2006 letter that you wrote to 20 Mr. Krischer, correct? 21 A Yes. 22 Q So in terms of the process, just so I 23 understand it, Mr. Reiter, is the investigation at 24 least began, from looking at the incident report, as 25 a result of the phone call from one of the alleged</p>

1 victims in March of '05 and that investigation
2 continued, at least from the report that we have, at
3 least through approximately July 12th of '06,
4 correct?

5 MR. KUVIN: Form.

6 THE WITNESS: What was the first date you
7 just said?

8 BY MR. CRITTON:

9 Q March 14th of '05.

10 A Yes.

11 Q And then it continued from, at least from
12 the incident report we have, is through
13 approximately July 12th, July 16th of '06?

14 A Yes.

15 MR. KUVIN: Form.

16 BY MR. CRITTON:

17 Q Along the timeline here during that time
18 period from March 14th of '05, July '06, is at some
19 point the police department provided a probable
20 cause affidavit to the State Attorney; is that
21 correct?

22 A Yes.

23 Q Do you know the time period that that
24 would have occurred?

25 A I think it would have been early in 2006.

1 And that's --

2 Q And would you have been involved in the
3 probable cause affidavit in any fashion that would
4 have been presented to the State Attorney's Office?

5 A I read it. That was the extent of my
6 involvement.

7 Q And if I ask you to assume that the --
8 well, let me strike that.

9 Had you had any conversations with
10 Mr. Krischer about the Epstein investigation prior
11 to your letter to him on May 1st, 2006?

12 A Yes.

13 Q And in fact you told us earlier you had a
14 number of conversations with him?

15 A Yes.

16 Q Is it your belief that the probable cause
17 affidavit would have been provided to the State
18 Attorney's Office well in advance of May 1st of
19 2006; that is, the date of your --

20 A Yes.

21 Q And why do you believe that?

22 A Well because the letter says please find
23 enclosed -- please find enclosed the probable cause
24 affidavits and case filing packages thus far
25 resulting from the police department's investigation

1 of Jeffrey Epstein, Sarah Kellen, Haley Robson.

2 Q So at least in looking at the letter now,
3 Exhibit 3, it appears that the probable cause
4 affidavits were filed -- were provided to
5 Mr. Krischer as the State Attorney in conjunction
6 with a letter that you were writing him asking him
7 to consider whether he should disqualify himself
8 from the prosecution of the case, correct?

9 A Right. And I think that there had been
10 prior -- maybe not formal presentations of probable
11 cause affidavits, but there had been some showing
12 of, you know, this is what we have so far kind of
13 things to the State Attorney's Office prior to that
14 in helping us to develop where we were taking the
15 case and what charges we might ask for. This is the
16 formal one, you're right, that happened along with
17 the letter.

18 Q Before I -- I'm going to come back to this
19 in just one minute.

20 At what point in time did you contact
21 the FBI or the United States Attorney's Office date
22 wise?

23 A I didn't, they contacted me. Well, there
24 had been some contact between Detective Recarey and
25 the FBI by way of asking questions of what federal

1 charges might apply here when it was clearly that
2 the State Attorney didn't feel the same way about
3 the state charges as we did. But actual contact as
4 in here's the case, that happened the Monday -- the
5 newspaper reported the arrest, that's how I learned
6 about the arrest, and on that day the FBI contacted
7 me and asked me to bring the detective over and
8 bring the case and turn it over to them and answer
9 their questions and so on. So whatever that Monday
10 was following the Grand Jury and the arrest.

11 Q I'm more interested in when did the first
12 communication come; that is, who initiated the first
13 communication from between the Palm Beach Police
14 Department and the FBI? Was that you?

15 A No.

16 Q That was Recarey?

17 A Yes.

18 Q Now would an officer in your department,
19 when you were Chief, have the authority to initiate
20 a communication with the FBI about getting --
21 potentially getting involved in a case without your
22 approval?

23 MR. GARCIA: Form.

24 THE WITNESS: Yes. It was a matter of
25 a -- not really potentially getting involved in

<p style="text-align: right;">Page 242</p> <p>1 the case, I think that's not really a correct 2 characterization. It was questions about what 3 federal statutes might apply in this instance. 4 BY MR. CRITTON: 5 Q But if I understood your earlier testimony 6 is, is that one of the reasons that the 7 communication occurred between Palm Beach Police 8 Department and the FBI is, is because the Palm Beach 9 Police Department, including you, was not 10 comfortable with what the State Attorney was telling 11 you as to how they felt about Epstein or the 12 potential for prosecuting Mr. Epstein based upon the 13 investigation that the Palm Beach Police Department 14 had done? 15 A Yes. But that didn't happen until the 16 Monday after the Grand Jury. 17 Q But I thought what you just told me a 18 minute ago is there had been some conversations 19 between Recarey and the FBI? 20 MR. KUVIN: Form. 21 THE WITNESS: Yes. 22 BY MR. CRITTON: 23 Q Someone had to initiate that? 24 A Yes. I think he contacted them and said, 25 like I said, here's the case we're working on, does</p>	<p style="text-align: right;">Page 244</p> <p>1 same sort of thing. Probably the event that made me 2 think that that would have to be the likely outcome 3 would be referring it to the FBI was when 4 Mr. Krischer suggested that this would, you know, 5 maybe could be handled by a notice to appear. When 6 that happened exactly, I don't recall. 7 Q Was it before -- well clearly it was 8 before the May 1st, 2006 letter. How many months or 9 weeks before that time period did you reach the 10 conclusion that you felt that -- or when 11 Mr. Krischer said that he was thinking about a 12 notice to appear and you said I'm not going for 13 that, in essence? 14 A No. I didn't reach that conclusion until 15 the Grand Jury had been convened and they indicted 16 Mr. Epstein, and I guess the State Attorney arranged 17 him to turn himself into them, and we were not 18 involved in it and we read about it in the 19 newspaper. And it was pretty clear that was the 20 summary of what the state was going to do in that 21 case, that was it, one felony charge. And that was 22 the point that was clear to me that that wasn't an 23 appropriate resolution of this matter. And that's 24 when I -- that morning I wrote a letter to the 25 parents of the victims and that's the morning that</p>
<p style="text-align: right;">Page 243</p> <p>1 this fit into your area. Is there a federal nexus 2 or crime that might apply here. 3 Q But what you had indicated is that that 4 communication began as a result of your uncertainty 5 or being uncomfortable with what the State Attorney, 6 who had been the State Attorney for what, twelve 7 years by that point in time, ten or twelve years -- 8 MR. KUVIN: Form. 9 BY MR. CRITTON: 10 Q -- what he was telling you back about a 11 potential Epstein prosecution, true? 12 MR. KUVIN: Compound. 13 THE WITNESS: I can at least answer part 14 of that. 15 BY MR. CRITTON: 16 Q Okay. 17 A That -- yeah. My -- our growing interest 18 in involving the FBI began when it was fairly clear 19 that the case wouldn't be fully prosecuted in the 20 state system. 21 Q Give me a time frame? 22 A First part of 2006. At the point -- when 23 we started hearing from the Assistant State 24 Attorneys that this is a case that would be very 25 difficult to prosecute, and Mr. Krischer told me the</p>	<p style="text-align: right;">Page 245</p> <p>1 also before I could even contact the FBI, that the 2 FBI contacted me. 3 Q You jumped ahead of me there. I want to 4 go back to is the conversation Mr. Krischer and the 5 ASA were telling you, you know, these aren't the 6 kind of offenses that we usually prosecute, you 7 know, your investigation. Despite the fact that 8 your office had devoted almost a year to the 9 investigation, they were telling you that they were 10 not, in essence, very moved by what you had turned 11 up so far. Fair statement? 12 A Yes. 13 Q And again, you had a very experienced 14 prosecutor, Mr. Krischer had been the State Attorney 15 for many, many years, correct? 16 MR. KUVIN: Form. 17 THE WITNESS: I think you said twelve, and 18 that's roughly the case. 19 BY MR. CRITTON: 20 Q All right. And you're not an attorney, or 21 were not an attorney then, Chief Reiter, correct, 22 you were a Police Chief? 23 MR. KUVIN: Form. 24 THE WITNESS: Yes. You know that that's 25 correct, yes.</p>

1 BY MR. CRITTON:

2 Q I know that's correct, you're right.

3 And from a practical standpoint

4 Mr. Krischer is the -- well you're responsible for
5 the safety and welfare and the police work that goes
6 on in Palm Beach, you understood Mr. Krischer was
7 responsible in his office for prosecuting crimes
8 that occurred in Palm Beach County. And not just in
9 the Town of Palm Beach, but every town, municipality
10 and within the county itself, all crimes within Palm
11 Beach County, true, he and his office?

12 A That's the political system that we have,
13 yes.

14 Q Right. And you each have your own
15 descriptions. Such as Sheriff Bradshaw, he's in
16 charge of all of the sheriffs and the deputy
17 sheriffs within Palm Beach County and you, just like
18 other towns and municipalities, you're in charge of
19 your specific municipality, true?

20 MR. KUVIN: Form.

21 THE WITNESS: Yes.

22 BY MR. CRITTON:

23 Q Now Mr. Krischer, when he told you and had
24 indicated these weren't the types of cases they were
25 going to prosecute, do you recall sitting down or

1 having a conversation with Lanna Belohlavek where
2 she indicated that in her opinion there were really
3 no victims?

4 MR. HILL: Object to form.

5 MR. KUVIN: Join.

6 THE WITNESS: No.

7 BY MR. CRITTON:

8 Q She never said that to you?

9 A I never sat down -- I don't even think
10 I've ever met her.

11 Q Had you ever heard that --

12 A I think we had a telephone conversation.

13 Q Let me ask the question.

14 Do you recall hearing from her,
15 although not specifically, but her from Mr. Krischer
16 is that Ms. Belohlavek, was she present, at least in
17 a phone conversation, where you were speaking with
18 Mr. Krischer?

19 A No.

20 Q You recall Mr. Krischer or another ASA
21 telling you that Ms. Belohlavek --

22 THE WITNESS: Lanna Belohlavek.

23 MR. HILL: I don't know think we have time
24 for all this.
25

1 BY MR. CRITTON:

2 Q That Ms. Belohlavek had referenced is that
3 she did not believe that there were any victims
4 here?

5 MR. HILL: Object to form.

6 MR. KUVIN: Join.

7 THE WITNESS: I don't remember it ever
8 being characterized exactly like that.

9 BY MR. CRITTON:

10 Q You ever remember her saying something to
11 the effect that she didn't believe that there were
12 any real victims here?

13 MR. HILL: Object to form.

14 MR. KUVIN: Join.

15 BY MR. CRITTON:

16 Q Or something to that effect?

17 A Her comment was more about -- both of
18 their comments to me was more about this was not in
19 their view a prosecutable case.

20 Q And were you aware that Lanna was in
21 charge of the sex crimes type division at the State
22 Attorney's Office?

23 A Yes.

24 Q Were you aware that she had been involved
25 in writing and writing some of the legislation that

1 dealt with sex crimes?

2 A No.

3 MR. KUVIN: Form.

4 BY MR. CRITTON:

5 Q Prior to the time that you had the
6 conversation with -- and again, was that
7 conversation with Mr. Krischer?

8 A Which conversation?

9 Q Conversation where he was talking about,
10 and if there were any other Assistant State
11 Attorneys present, that they were thinking in terms
12 of maybe a notice to appear would be appropriate
13 based on your investigation or the lengthy
14 investigation that the Palm Beach Police Department
15 had done based upon their review of the incident
16 report, based upon their review of the law and based
17 upon their responsibility in terms of prosecuting
18 crimes here in Palm Beach County?

19 A The times that I've talked to him about
20 that, there was never anyone else present at all.

21 Q Prior to the time that he told you that he
22 was thinking about a notice to appear, had you
23 spoken, you in particular, spoken with anyone from
24 the FBI or the United States Attorney's Office?
25

A No.

<p style="text-align: right;">Page 250</p> <p>1 Q Had anyone in your department spoken with 2 the FBI or the U.S. AO's office to your knowledge? 3 A I don't know the nuances of time and when. 4 Q If I understand your testimony then, it 5 was subsequent, shortly thereafter, you believed or 6 you felt that the State Attorney wasn't taking, in 7 essence, the investigation that you had done 8 seriously enough, and is that when Detective Recarey 9 contacted someone from the FBI? 10 MR. KUVIN: Objection, asked and answered. 11 THE WITNESS: From the first question that 12 really is not -- first part of the question, 13 that is not what I said. What I said was I 14 felt that the State Attorney on this particular 15 case was not being objective in his decision to 16 do what he chose to do. That's what I think I 17 wrote here, that's what I told him. 18 The second part of the question was, that 19 timed with the FBI, can't speak for when the 20 detective made any contacts, but as I realized 21 that this case would not be prosecuted in the 22 way that I felt appropriate, that increased my 23 interest. As I became more convinced of that, 24 my interest and plan to refer to the FBI, which 25 I never really had the chance to do, increased</p>	<p style="text-align: right;">Page 252</p> <p>1 he would have had the authority to do that. I 2 don't know whether he went as a result of my 3 request or he did it on his own or, I don't 4 know. For an assignment like Detective Recarey 5 he's talking to the FBI almost daily on a 6 variety of things, so it's not like it's a big 7 thing. It's just as if you had lunch everyday 8 with the same lawyers and other firms, you talk 9 about different things. He didn't have any 10 lunch everyday with them but he had a lot of 11 contact. And so he mentioned here's a case, 12 what do you think about this case. 13 Substantially before the time period that the 14 Grand Jury took their action. How long, I 15 don't know, some point that first part of that 16 year. 17 BY MR. CRITTON: 18 Q Did he tell you who he spoke with at the 19 FBI? You've referenced a Nesbitt Kirkendall, which 20 is a female, correct? 21 A Yes. 22 Q Was there a person named Jason Richards? 23 A Yes, I believe that was -- 24 Q Was that the male? 25 A Yes, that's --</p>
<p style="text-align: right;">Page 251</p> <p>1 as well. 2 BY MR. CRITTON: 3 Q But did your contact with the FBI, did 4 that occur before May 1st of 06, the day you 5 authored the letter to Krischer? 6 A No. My contact about the FBI occurred the 7 Monday morning following the indictment. 8 Q But I thought you said that someone, you 9 thought -- 10 A My office. You asked me or somebody in 11 the department. My personal contact, that's when -- 12 Q Someone from your office then, Recarey, 13 had his contact with the FBI occurred before May 1st 14 of 2006? 15 MR. KUVIN: Objection, speculation. 16 THE WITNESS: I don't know the nuances of 17 the timing, but probably. 18 BY MR. CRITTON: 19 Q And did you know that Recarey was going to 20 contact the FBI; that is, did you discuss with him 21 that he should contact the FBI, he came to you and 22 said I'm going to contact the FBI? What happened? 23 MR. KUVIN: Form. 24 THE WITNESS: I don't remember the exact 25 genesis of that. Had he had gone on his own,</p>	<p style="text-align: right;">Page 253</p> <p>1 Q He's the other awardee? 2 A He was the co-agent is how I understand 3 they describe it on a case, and, yes, I also gave 4 him an award. 5 Q And do you know whether it was either 6 Nesbitt or Jason that Mr. -- or Detective Recarey 7 spoke with? 8 A I think it was Nesbitt. And she kind of 9 had a reputation for being proficient at child sex 10 crimes and these of things, and I think that's why 11 Detective Recarey went to her. 12 Q And with regard to the conversations that 13 he, he meaning Recarey, had -- strike that. 14 Would it have only been Recarey that 15 spoke with the FBI before the contact post Epstein's 16 arrest to your knowledge? 17 A I don't know. He had supervisors 18 certainly, and his supervisors might have talked to 19 their supervisors, I don't know. 20 Q What did he, Detective Recarey, tell you 21 about his conversations with the FBI prior to May 22 1st -- in fact, prior to Mr. Epstein's arrest in the 23 latter part of July of 2006? 24 A He said that if Mr. Epstein was using 25 aircraft or the countrywide telephone system to</p>

<p style="text-align: right;">Page 254</p> <p>1 facilitate this, then there might be a federal nexus 2 and they would be interested in looking at that at 3 the appropriate time. They actually, I think, were 4 interested in looking at it before the Grand Jury 5 and the arrest. And we said we're still working the 6 state case, we didn't want to -- if for some reason 7 the state case was not concluded successfully, then 8 we would probably bring them into it. 9 Q If I understand your testimony is, you 10 didn't have any conversation yourself until after 11 Mr. Epstein's arrest with the FBI? 12 A About this case, that's correct. 13 Q Correct. And did Detective Recarey 14 indicate how many conversations he had had with the 15 FBI? 16 A No. I know that he was in contact with 17 them more than one time as he learned more about the 18 case just to provide information to help decide if 19 there was a federal nexus. 20 Q And at any time prior to late July; that 21 is, the time that Mr. Epstein was arrested, did he 22 ever tell you what the FBI'S impression was or any 23 conclusions or opinions they had about the 24 information you had provided? 25 MR. KUVIN: Form.</p>	<p style="text-align: right;">Page 256</p> <p>1 Mr. Epstein, and that was it, based on the entire 2 investigation that the Palm Beach Police Department 3 had done, based upon the testimony, all of the 4 testimony, correct? 5 MR. HILL: Object to form. 6 MR. KUVIN: Speculation. 7 BY MR. CRITTON: 8 Q Let me rephrase the question. 9 You were aware there was a Grand 10 Jury; that is, the Grand Jury took testimony? 11 A I'm aware that the Grand Jury took 12 testimony, yes. 13 Q And as a result of that testimony that was 14 presented, whatever was presented by the Assistant 15 State Attorneys, they returned a one-count 16 indictment against Mr. Epstein; you're aware of that 17 fact? 18 A I am. 19 Q And that's part of the process as well; 20 that is if Mr. Krischer decided for whatever 21 reasons, as he had in a number of cases as he 22 described to you that were -- he felt were 23 duplicately sensitive or were appropriate for a 24 Grand Jury, it's his option as the State Attorney to 25 take a particular set of facts and make a</p>
<p style="text-align: right;">Page 255</p> <p>1 BY MR. CRITTON: 2 Q To you? 3 MR. KUVIN: Form. 4 THE WITNESS: He said that they said that 5 there may very well be a, you know, a federal 6 crime here, a federal case there. 7 BY MR. CRITTON: 8 Q Did you disclose that to Mr. Krischer at 9 any time, in May or June of 2006? 10 A I think that when we talked probably the 11 last time and before all this other stuff happened, 12 I told him that that would be an option but I would 13 rather and felt that this was most appropriately 14 handled by law enforcement, which he and I were part 15 of. I continue to feel that that's really where it 16 should have been. 17 Q And in fact Mr. Krischer ultimately took 18 the decision as to whether or not charges would be 19 brought against Mr. Epstein, took it to the Grand 20 Jury, correct? 21 A He did. 22 Q And a Grand Jury of twenty some odd 23 people, I don't know how many people were there but 24 there's a certain minimum amount that have to be 25 there, they returned a one-count indictment against</p>	<p style="text-align: right;">Page 257</p> <p>1 presentation to the Grand Jury, true? 2 MR. KUVIN: Form. 3 THE WITNESS: That's correct. 4 BY MR. CRITTON: 5 Q And part of that process; that is, as the 6 chief, I guess the chief prosecuting officer for 7 Palm Beach County, he made the decision to use a 8 Grand Jury in this instance with regard to 9 Mr. Epstein, and that's what the Grand Jury came 10 back with and you weren't satisfied with that, were 11 you? 12 A I don't think that satisfaction was 13 something that was my standard there. 14 Q May not have been. But Mr. Krischer, as 15 the State Attorney, followed a process to which is 16 his option to use, presented it to a Grand Jury of 17 however many individuals, and that decision that 18 came back with those individuals was not something 19 that you felt was satisfactory? 20 MR. HILL: Object to form. 21 BY MR. CRITTON: 22 Q True? 23 MR. KUVIN: Form. 24 THE WITNESS: I didn't feel that justice 25 was sufficiently served.</p>

1 BY MR. CRITTON:

2 Q Let me ask you about the -- let's step
3 back for just a minute.

4 In terms of your deposition today,
5 other than meeting with your attorneys, Ms. O'Connor
6 and Mr. Randolph, did you review any information in
7 preparation for your deposition?

8 A I reviewed the statute that I reviewed at
9 the same time that I wrote this, wrote the letter
10 Exhibit Number 3.

11 Q The statute about whether there was --
12 whether or not Mr. Krischer should consider
13 disqualifying himself from the prosecution of the
14 Epstein case?

15 A Yes.

16 Q Did you review -- other than that statute,
17 did you review anything else?

18 A No.

19 Q So even the report itself, you hadn't seen
20 for some period of time?

21 A That's correct.

22 Q From the time that you -- since the time
23 that you left your position as Chief of Police of
24 the Palm Beach Police Department, have you had an
25 occasion to speak with any lawyers whatsoever

1 associated with any of the Epstein cases with
2 regard -- let me make it clear.

3 Since the time you retired as Chief
4 of Police at Palm Beach, Town of Palm Beach, have
5 you spoken with any attorneys who are in any way
6 associated with any of the Epstein cases?

7 A You would have to give me a list of all of
8 the attorneys.

9 Q Leopold and Kuvin, Mr. Kuvin is there,
10 have you had an opportunity to speak with him prior
11 to today's date?

12 A No.

13 Q Have you spoken with Mr. Jack Scarola or
14 Mr. Hill or any attorney from Searcy, Denney
15 regarding the Epstein cases?

16 A I think I've said hello to Mr. Scarola.

17 Q You've known Mr. Scarola, known him for a
18 long period of time. I'm interested in -- that's
19 yes?

20 A Yes.

21 Q I'm interested in conversations,
22 substantive conversations that you had about the
23 Epstein case?

24 A Not with any -- no, I haven't had any
25 substantive conversations with any lawyers as far as

1 I know that represents -- is a Plaintiff's lawyer in
2 this case.

3 Q Mr. Garcia, I think, said you might know
4 him, you may not, but you've obviously had no
5 conversations with him before today?

6 A No.

7 Q And any attorneys -- Jeffrey Herman is one
8 of the attorneys, before he was suspended from the
9 practice of law was one of the attorneys, or was the
10 lead attorney for representing a number of the Jane
11 Does. Have you ever spoken with him or any of his
12 then partners, Mr. Mermelstein?

13 A Previously you said ever, previously you
14 said since I retired, now you said ever.

15 Q Let me stay with since you've retired?
16 Thank you.

17 A No.

18 Q Have you spoken with an attorney named
19 Brad Edwards or Jay Howell?

20 A Since I retired?

21 Q Since you retired.

22 A And the reason I asked you that is some
23 attorneys somehow got my direct phone number when I
24 was Chief, and called me directly and told me that
25 they represented a victim in this case, and I tried

1 to graciously end the phone call but he tried to
2 keep it going. I have no idea who that person was.
3 Probably lasted three or four minutes and that was
4 while I was still Chief. Since that time, had no
5 contact and there was only one instance.

6 Q Have you known an attorney or have you
7 seen the name Bradley J. Edwards, William Berger,
8 Russell Adler that have been associated with the
9 Epstein cases?

10 A In the news media. And do I read the news
11 media reports of this, yes, I do.

12 Q But have you met any of those individuals
13 or had any discussions with them at any time
14 regarding the Epstein case?

15 A No, no.

16 Q Since the time that you've retired as
17 Chief of Police, have you done any work as part of
18 your firm, which I think you said did
19 investigations, security and crisis management, have
20 you done any work that's in any way associated with
21 a law firm called Rothstein, Rosenfeld and Adler,
22 P.A. located in Broward County?

23 A Well on one hand I think that my business
24 since I've left the government is really not germane
25 to this and I think it's privileged. But because of

1 all of the hoopla in the news media, absolutely not.
 2 Q Did you know, or do you know, Ken Jenny?
 3 A Yes.
 4 Q Did Mr. Jenny ever contact you at any
 5 time, either while you were Chief of Police or after
 6 you retired as Chief of Police at the Town of Palm
 7 Beach, to ever discuss any of the Epstein cases?
 8 A No.
 9 Q You know an investigator, former police
 10 officer with Miami/Dade named Michael Fisten,
 11 F-I-S-T-E-N? Does that name mean anything to you?
 12 A No. No.
 13 Q Have you ever met Attorney Scott
 14 Rothstein?
 15 A I don't believe so.
 16 Q Let me get back to kind of the time line.
 17 Your first conversation with the FBI
 18 was post -- was just after the time that Mr. Epstein
 19 was arrested; is that correct?
 20 A Concerning this case, yes.
 21 Q And was it -- if I understood your
 22 testimony, you said that they contacted you?
 23 A That's correct.
 24 Q Who was the person who contacted you and
 25 what did they say?

1 A Junior Ortiz, who was the -- I guess it
 2 would be senior supervisory special agent in charge
 3 of something close to the title crimes against
 4 persons squad in the West Palm resident agency of
 5 the FBI.
 6 Q And did he just call you, hi, I'm -- well,
 7 let me strike that.
 8 Did you know him before?
 9 A Yes.
 10 Q Because you've dealt with him on other
 11 matters?
 12 A Yes.
 13 Q And what did he say to you; that is, what
 14 was the nature of the conversation?
 15 A Well we had, after the arrest was
 16 reported, you know, barrage of news media public
 17 records demand, at the point that I had, you know, I
 18 realized that we no longer had an active criminal
 19 investigation because the Grand Jury had spoken and
 20 the arrest had taken place and all that stuff, I
 21 released Exhibit 3 as part of the public records law
 22 demand and some other things that I thought were
 23 responsive and not any longer had exempt -- were
 24 exempted. So I think what happened is that was out
 25 there everywhere and the FBI saw that being reported

1 on the news media and they called me.
 2 Q Prior to the date of Mr. Epstein's arrest,
 3 had you ever released any portion of the
 4 investigation relating to Mr. Epstein to anyone
 5 other than obviously the State Attorney's Office?
 6 A No. Well, released as in pursuant to the
 7 public records law?
 8 Q To anyone. That is, had you made it
 9 available either to public records law or to anyone
 10 else other than State Attorney's Office?
 11 A Personally, no. Detective Recarey may
 12 have shown something to the FBI in his
 13 conversations, but I don't know, I wouldn't be
 14 surprised if I did.
 15 Q In regard to the investigation itself;
 16 that is, Exhibit 2 that is the incident report, was
 17 that document part of the public records release?
 18 A A redacted version at the point that the
 19 exemption no longer existed, yes.
 20 Q When you say the exemption no longer
 21 existed, meaning what?
 22 A Active criminal investigation which we had
 23 until the point that the Grand Jury met and
 24 Mr. Epstein was arrested.
 25 Q And so at that point I think you said that

1 the investigation, at that point the Grand Jury
 2 returns its indictment, Mr. Epstein's arrested, you
 3 consider the investigation of Mr. Epstein concluded
 4 by the Town of Palm Beach, correct?
 5 A Yes.
 6 Q And so for any investigation that's
 7 concluded by the Town of Palm Beach regarding a
 8 potential suspect is those documents are all subject
 9 to being released under the public records law?
 10 A No, not all. Because there's a redacted
 11 version and -- because there's information -- I
 12 don't have to give you what the exemptions are, but
 13 there are statutory provisions of identity of sexual
 14 battery victims and confidential informants and, you
 15 know, surveillance techniques and so on. All of the
 16 reports are releasable minus whatever exemptions may
 17 live on beyond the active criminal investigative
 18 exemption and the other things that I mentioned.
 19 Q So as long as with regard to Mr. Epstein's
 20 case or any other individual's case, once the
 21 investigation is concluded, the Town of Palm Beach
 22 would release whatever the incident report is
 23 subject to whatever needs to be redacted or any of
 24 the exemptions, is that true, all of those documents
 25 then become public records?

1 A Yes. If -- this is a question you're
2 going to have ask Detective Recarey, but if the FBI
3 or the U.S. Attorney asks us not to release
4 something because of some federal rule in their
5 federal investigation, then that can be an issue.
6 They didn't in this case that I know of, but as far
7 as I know the situation that you described was how
8 it occurred.

9 Q In this particular instance, before you
10 released any of the records pursuant to the public
11 records act and then the press could access them,
12 had the FBI asked you, or had you been in
13 discussions with the FBI Junior Ortiz?

14 A Personally, no. Yes, the FBI wanted --
15 they asked for the documents prior to when they
16 called me on that Monday morning and asked me to
17 come over there. They had expressed an interest to
18 see documents and get involved in the investigation
19 prior to that time.

20 Q And when -- did you say his name was
21 Junior?

22 A His legal name is Junior, yes.

23 Q And when you met with Junior Ortiz, he
24 called you that morning, did you go over and meet
25 with him?

1 A Yes.

2 Q And did you take -- at that time did he
3 have a copy of the, at that time, unpublished or
4 unavailable incident report?

5 A It had already been released to the
6 public. We opened up the paper literally Monday
7 morning and I read about Mr. Epstein's arrest and so
8 I knew that the state case had ended. And when I
9 got to work that day I said okay, well, we don't
10 have an exemption anymore, we need to release this
11 stuff, do the redaction and so on. It had not been
12 released prior to that point. And as far as I know,
13 he didn't have a copy of it until Detective Recarey
14 and I, who went to the FBI at their request, and
15 handed them to him.

16 Q Why did you feel compelled that morning to
17 release; that is, to go tell Detective Recarey that
18 it would be all right or acceptable to release the
19 report, to make it available to the public with
20 whatever redactions were necessary? That is, what
21 compelled you to do that at that point in time?

22 A Probably a two-hundred public records law
23 demands and a lobby full of news media and their
24 insistence. They said he's already turned himself
25 in, let's turn over the documents, and they were

1 right, and the law requires you to do that as
2 quickly as you reasonably can.

3 Q You literally had people there requesting
4 copies of the report?

5 A Absolutely. The news media didn't learn
6 about this from the Palm Beach Police Department,
7 they learned about it some other way, and they were
8 already on the story before I even realized that
9 there was a story. There was -- I described it
10 before as a barrage, that's what it was, of a news
11 media request and public records law demands, and
12 they typically backed them up with threats. In this
13 kind of case, because these cases take on a life of
14 their own from the news media, you know, they've
15 backed up their request with, you know, we're going
16 to sue you for it if you don't release it and all of
17 that. Well I knew the exemption didn't exist so I
18 released it.

19 Q Did Mr. Ortiz call you that morning then?

20 A Yes.

21 Q If I understood you correctly.

22 When he contacted you that morning
23 and said we'd like you to come over and talk with
24 us, Chief, did both you and Recarey go?

25 A Yes.

1 Q Did you tell Mr. Ortiz at that time, look,
2 I've got a bunch of people out in the lobby, that
3 we're working on redacting the incident report, if
4 you're going to take an investigation do you want us
5 not to release this report until such time as you
6 have an opportunity to look at it?

7 A No.

8 Q Why not?

9 MR. KUVIN: Form.

10 BY MR. CRITTON:

11 Q Why didn't you say that?

12 A Well because I had been involved in enough
13 of these public records law cases that had been
14 litigated. As far as the state case goes, the Grand
15 Jury had spoken, the Defendant turned himself in.
16 He never -- I mean I'm going to tell him what he
17 should probably ask me to do, that's not it. I felt
18 a pressure from the news media to release this and
19 it was a valid one. And my obligation of the law is
20 to when the exemption doesn't exist anymore, as
21 quickly as you reasonably can to release it, and we
22 did. And if you don't it looks like you're hiding
23 something.

24 Q If Mr. Epstein hadn't turned himself in at
25 the time that you released it, would that have been

1 unusual for you to release it at that time?
 2 MR. KUVIN: Form.
 3 THE WITNESS: I don't know. If he
 4 wouldn't have turned himself in I wouldn't have
 5 even known about it, I would have thought we
 6 still had an active criminal investigation.
 7 BY MR. CRITTON:
 8 Q You go over and you meet with Mr. Ortiz.
 9 How long did you and Detective Recarey spend with
 10 him?
 11 A It wasn't just him, there were others
 12 there.
 13 Q I was going to ask you that, but how long
 14 were you there?
 15 A Couple of hours maybe.
 16 Q Who else in addition to Junior Ortiz was
 17 present?
 18 A That's a good question.
 19 Q It was you and Recarey and Ortiz?
 20 A Yes.
 21 Q That is, from the Palm Beach Police
 22 Department it was you and Detective Recarey?
 23 A Right. And Junior Ortiz. I think --
 24 somebody else from the FBI was there and I don't
 25 remember who. Could have been Jason Richards.

1 Could very well have been Nesbitt Kirkendall, I
 2 don't recall. And there was also somebody there
 3 from the U.S. Attorney.
 4 Q He or she?
 5 A Could have been Marie Villafana, I'm not
 6 sure.
 7 Q Had you ever met Ms. Villafana before this
 8 case, before the Epstein case?
 9 A I don't believe so.
 10 Q So she may have been there.
 11 You met where, over off of
 12 Australian, that's where their offices were at the
 13 time, or were they at Flagler?
 14 A I don't remember. I think it's Flagler.
 15 Q Where Mr. Randolph's office is, that
 16 building?
 17 A I think so.
 18 Q Was Mr. Randolph there?
 19 A No.
 20 Q I know he wasn't.
 21 All right. In terms of the meeting,
 22 did you take -- you took a copy of the incident
 23 report?
 24 A I didn't personally take anything.
 25 Detective Recarey took, you know, a good portion of

1 his case.
 2 Q Did he take evidence with him?
 3 A No.
 4 Q You said he took a good portion of his
 5 case.
 6 A I mean he took reports, photographs. I
 7 don't know what he took, you'll need to ask him, but
 8 he had more than this.
 9 Q Did he take any surveillance?
 10 A Images from surveillance?
 11 Q Correct. Or videos?
 12 A I don't remember. I don't think any
 13 videos were played. I don't think any videos were
 14 played.
 15 Q Did anyone offer to play any videos? That
 16 is, do you recall someone saying we have videos of
 17 Mr. Epstein or of his house or the airport of young
 18 females coming in and out of his house or from the
 19 airplane?
 20 A I don't recall that at that meeting.
 21 Q At that time did the FBI indicate to you
 22 that they had done any surveillance, any type of
 23 surveillance on Mr. Epstein?
 24 A They did not.
 25 Q Did anyone indicate at that meeting that

1 there had been any type of phone taps or wire taps
 2 of any nature?
 3 A They did not.
 4 Q At any meeting that you've ever been in,
 5 has anyone raised the specter or the possibility
 6 that wire taps or phone taps had been done during
 7 the course of the investigation of Mr. Epstein by
 8 either the state, the city, Town of Palm Beach or
 9 the federal government. Have you heard that?
 10 A No.
 11 Q No, you haven't heard that?
 12 A That's correct.
 13 Q The meeting went on for two hours?
 14 A Approximately.
 15 Q Approximately two hours. And what was
 16 discussed? What was the drift of what Ortiz --
 17 A The biggest part, the biggest
 18 discussion -- part of the discussion was Detective
 19 Recarey relating what he believed happened relative
 20 to the victims that he was able to interview. And
 21 the biggest part of the discussion was whether or
 22 not there was a federal nexus, federal laws violated
 23 there. That was the biggest part of it.
 24 Q And was Recarey talking and they were
 25 listening?

1 A Initially there was more of that. And I
2 probably filled in a couple of blanks and then it
3 was discussion.

4 Q And what did they say; that is, what did
5 the various representatives from the FBI say?

6 A Because we believed that the aircraft was
7 involved and the countrywide telephone system, they
8 felt as though there may very well be a federal
9 nexus and a federal statutes violated.

10 And they basically accepted the
11 investigation. They have to get investigations
12 approved before it's an official investigation, but
13 they took everything and said okay, we're going to
14 go with this.

15 Q Did they tell you what they had done in
16 their investigation of Mr. Epstein up to that point?
17 That is, did Mr. Ortiz say this is what we've been
18 doing with regard Mr. Epstein?

19 A No. And I had the impression that they
20 really didn't -- hadn't been doing anything.

21 Q Did they have any type of folders or
22 redwells or information they were willing to share
23 with you other than commenting on a couple of
24 federal statutes?

25 A No. And that was pretty much true of the

1 entire contact throughout this, I really got very
2 little information.

3 Q Let me step back in time for just a
4 minute, and if I go back to the time line that we
5 were talking about.

6 Prior to the May 1st, 2006 letter
7 that you sent to Mr. Krischer, had any meeting been
8 set up between you, Mr. Krischer and any of the
9 attorneys who were representing Mr. Epstein?

10 A Personally, no.

11 Q Subsequent; that is, after the May 1st,
12 2006 letter that you sent to Mr. Krischer, was there
13 a meeting that was set up by Mr. Krischer for you
14 and Detective Recarey to attend, he would be present
15 along with any Assistant State Attorneys that he
16 wanted to be present, and as well representatives
17 from -- attorney representatives from Mr. Epstein
18 who were representing Mr. Epstein?

19 A There was a meeting suggested, set up,
20 cancelled, set up, cancelled. I don't remember
21 whether I was ever going to be a part of it or not.

22 Q Is it your testimony then that there was
23 never a meeting that was specifically set up by Mr.
24 Krischer for you and Detective Recarey to be
25 present, Mr. Krischer and ASA being present and

1 representatives from Mr. Epstein's legal team being
2 present so that exculpatory evidence could be
3 discussed at that point, among other aspects
4 associated with the Epstein case?

5 A There was a meeting scheduled as you have
6 described. I don't recall that I was supposed to be
7 a part of it.

8 Q Do you recall Mr. Krischer ever contacting
9 you and saying hey, I set up a meeting so that you
10 could be present along with Recarey, Detective
11 Recarey, we're having Epstein's people there, we
12 were going to talk about exculpatory -- they want to
13 talk about exculpatory evidence and we were going to
14 see if we could kind of work our way through the
15 issues that you've raised and how you feel about how
16 this case should be prosecuted in conjunction with
17 the Epstein lawyers?

18 A And are you saying that the meeting took
19 place, or are you asking me was there some
20 discussion of the meeting potentially taking place?

21 Q Was there a scheduled meeting you were
22 supposed to be there and you chose not to go? Or
23 not to go, I guess is the better --

24 A I don't know, because --

25 Q You're saying that didn't happen?

1 A A meeting never took place that I know of.

2 Q If Mr. Krischer was there with his ASA and
3 the Epstein attorneys were there and you and
4 Detective Recarey were the only ones that weren't
5 there, is it your testimony that this is the first
6 time you've heard that; i.e., that there was such a
7 meeting?

8 A I don't remember being invited to a
9 meeting that actually took place. I remember our
10 department being invited to a meeting that as far as
11 I can recall never actually took place.

12 Q Well it couldn't take place obviously if
13 you were main participants and you didn't show.

14 A I never went to a meeting. I don't
15 specifically recall my personally being invited to a
16 meeting. I do recall Detective Recarey, and it
17 might have very well been my decision that I
18 wouldn't go and then he would go, I really don't
19 know. I don't specifically recall what you have
20 described.

21 Q Do you ever recall speaking with Mr.
22 Krischer about a meeting that you failed to attend
23 or didn't attend?

24 A No.

25 Q After the meeting, the one meeting that

1 you had with the FBI in July of '06 or early August
2 of '06, did you have any subsequent meetings with
3 the FBI; that is, face-to-face meetings with the
4 FBI?

5 A Not like that. There were certainly
6 occasions when I talked with them. Usually I'd be
7 in a meeting for something else and, you know,
8 they'd say something about the case or I'd say
9 something about the case, but I wouldn't really call
10 it a meeting. Did the topic come up subsequent to
11 that with the FBI, yes.

12 Q On how many occasions, and who did you
13 speak with in the FBI regarding the Epstein case
14 after the meeting in late July of '06?

15 A Certainly Junior Ortiz several times. I
16 eventually talked with Nesbitt Kirkendall but not
17 for a long time later. And as part of other
18 meetings and involvement with the FBI, I talked
19 probably briefly with, you know, maybe once or twice
20 with the special agent in charge, Solomon in Miami.

21 Q And why would you speak with him, what was
22 the occasion? Did he contact you or you contacted
23 him?

24 A I served on the FBI's joint terrorism task
25 force board of directors and he is the chairperson

1 of that. And so as part of that I would have -- a
2 couple of times had very brief conversation while I
3 was at these others.

4 Q Were you encouraging the FBI to pursue
5 federal charges against Mr. Epstein?

6 A I was encouraging the FBI to diligently
7 investigate them.

8 Q With regard to the FBI, did they ever come
9 to the Town of Palm Beach to review any documents
10 that you had in your possession? And when I say
11 you, the department had in its possession?

12 A Not that I individually had in my
13 possession, but they might very well come to the
14 department to meet with Detective Recarey.

15 Q You said that at some point you were
16 served with a Grand Jury -- or the department was
17 served with a Federal Grand Jury subpoena?

18 A That's correct.

19 Q Can you give us a point and time that that
20 occurred?

21 A Sometime after Mr. Epstein's arrest when
22 they began to investigate it and they asked for
23 custody of the evidence.

24 Q Did that occur shortly after the meeting
25 that you had with Ortiz, the other agents and Ms.

1 Villafana?

2 A No, not weeks, probably not even a month
3 or so. I think it was a little bit deeper into it.

4 Q Did they advise you on that occasion; that
5 is, that the meeting that you had in late July of
6 '06, that they were going to serve you with a
7 Federal Grand Jury subpoena so that they could
8 obtain all of the evidence that the Palm Beach
9 Police Department had?

10 A No.

11 Q Did they give you -- did they, the FBI or
12 U.S. Attorney's Office, give you advance notice that
13 they were going to serve you with a subpoena?

14 A Yes. They actually -- well they asked for
15 the evidence. And I called Barry Krischer and said
16 well, you know, we have a state case here, they're
17 asking for the evidence, they have a case too, give
18 me some guidance on what you prefer that we do with
19 the evidence. And he said well, you should have a
20 Grand Jury subpoena but we can get to it if we have
21 to and give them the evidence if you want it, it's
22 your decision.

23 Q Did you tell Mr. Krischer or disclose to
24 Mr. Krischer before that you were going to meet with
25 the FBI before you met with Junior Ortiz?

1 A At that level of specificity, no. But in
2 my conversations with him before the letter and so
3 on, I did mention that that was an option, but one
4 that I preferred not taking and I felt it should be
5 handled by us.

6 Q You indicated earlier that you had spoken
7 with U.S. Attorney Mr. Acosta on one occasion
8 regarding the Epstein case?

9 A Yes.

10 Q Can you give me a point in time that that
11 occurred?

12 A Well I can't tell you as well the actual
13 date as I can the circumstances. The point that I
14 thought we had been receiving very little
15 information from the FBI or the U.S. Attorney was
16 when I chose to meet with them. So we're sometime
17 after May, June, July.

18 Q Of?

19 A Of 2006, it would be later.

20 Q It was after you met with the FBI?

21 A Oh, yes, long after.

22 Q And did you initiate the conversation or
23 did he call you?

24 A I initiated it.

25 Q And why, because you wanted to be brought

<p style="text-align: right;">Page 282</p> <p>1 up to date with what was going on?</p> <p>2 A Well, I had worked with the FBI and the</p> <p>3 U.S. Attorney for many years and I had never</p> <p>4 encountered so little information from them. We</p> <p>5 wanted to know -- we were getting calls from</p> <p>6 victims, what's happening in the case, you know. So</p> <p>7 we wanted to know that they were responsible in the</p> <p>8 investigation of the case as well. And we had --</p> <p>9 Detective Recarey made contacts and I made contacts</p> <p>10 and they just really didn't share anything with us.</p> <p>11 And then at some point someone, I</p> <p>12 think someone in the U.S. Attorney's Office,</p> <p>13 probably Marie, you know, I'm not authorized to give</p> <p>14 you anymore information and I said who is. And from</p> <p>15 that I realized that I would have to go to the top</p> <p>16 to, you know, to learn a little bit more about the</p> <p>17 case or at least be satisfied that it was being</p> <p>18 investigated diligently.</p> <p>19 Q Let me get in the time line then. So</p> <p>20 Mr. Epstein is indicted by the Grand Jury, he turns</p> <p>21 himself in, is arrested and charged. Within shortly</p> <p>22 that same day that you learn about him being turning</p> <p>23 himself in, you go see Junior Ortiz, the rest of the</p> <p>24 FBI and Ms. Villafana, and approximately a month</p> <p>25 plus later, the Town of Palm Beach gets a Grand Jury</p>	<p style="text-align: right;">Page 284</p> <p>1 list that you had on it, that came -- I think you</p> <p>2 said -- did you tell us that Ms. Villafana said that</p> <p>3 she was going to send you a letter first?</p> <p>4 A Yes, and she did.</p> <p>5 Q Said I'm going to send you a letter and</p> <p>6 I'm going to give you the full names of the</p> <p>7 individuals but then I want you to destroy the</p> <p>8 letter, correct?</p> <p>9 A Yes?</p> <p>10 Q And had you asked her for the information</p> <p>11 --</p> <p>12 A No.</p> <p>13 Q -- or was she offering the information to</p> <p>14 you?</p> <p>15 A What I asked her is a way to resolve</p> <p>16 whether or not our victims in the state case, and</p> <p>17 since -- and not all the victims in the state case,</p> <p>18 at least apparently, I don't know this for a fact,</p> <p>19 but I had assumed that as a result of the true bill</p> <p>20 from the Grand Jury that they hadn't all been</p> <p>21 considered in there, I wanted to make sure that some</p> <p>22 prosecution body had considered all of our victims.</p> <p>23 So I said how do we resolve this. I didn't know</p> <p>24 whether or not to continue conducting the</p> <p>25 investigation and potentially present charges if it</p>
<p style="text-align: right;">Page 283</p> <p>1 subpoena?</p> <p>2 A Sometime later, I don't remember how long</p> <p>3 after.</p> <p>4 Q How much later than that do you speak with</p> <p>5 Mr. Acosta, are we talking a month, six months?</p> <p>6 A It might be six months.</p> <p>7 Q And during that time period, because now</p> <p>8 we would have gone into 2007, during that time</p> <p>9 period?</p> <p>10 A Could have.</p> <p>11 Q During that time period, were you in touch</p> <p>12 with Marie Villafana on a regular basis but you knew</p> <p>13 you could pick up the phone because she was the</p> <p>14 Assistant U.S. Attorney in charge of the</p> <p>15 investigation as you understood it?</p> <p>16 A I was in contact with her but not very</p> <p>17 frequent. I didn't have much contact with her until</p> <p>18 it got to the non-prosecution agreement and plea</p> <p>19 situation.</p> <p>20 Q With regard to the -- at the time that you</p> <p>21 saw the list, you said at the time you got a letter</p> <p>22 with a list of individuals, had the non-prosecution</p> <p>23 agreement been signed at that point in time?</p> <p>24 A They told me that it had been signed, yes.</p> <p>25 Q And the list; that is, the letter with the</p>	<p style="text-align: right;">Page 285</p> <p>1 warranted it for some of the latter victims. So I</p> <p>2 said how do we resolve knowing whether or not our</p> <p>3 victims all became your victims. And she said I'll</p> <p>4 send you a letter with a name and you'll have to</p> <p>5 destroy it. And I got the letter.</p> <p>6 Q Is that the only correspondence you ever</p> <p>7 received from her, her meaning Ms. Villafana?</p> <p>8 MR. HILL: About this case?</p> <p>9 MR. CRITTON: Correct.</p> <p>10 THE WITNESS: I think she sent me a thank</p> <p>11 you note when I gave her the plaque, which I</p> <p>12 didn't keep, but other than that, yes.</p> <p>13 BY MR. CRITTON:</p> <p>14 Q Okay. And going back to the letter, did</p> <p>15 the letter contain anything or was it just Dear</p> <p>16 Chief Reiter, here's the list I had indicated I was</p> <p>17 going to send, here's the list of the names, under</p> <p>18 such and such you can please destroy this letter?</p> <p>19 A Basically, yes.</p> <p>20 Q Did it say anything else?</p> <p>21 A No.</p> <p>22 Q And with regard to the section, when you</p> <p>23 spoke with her she told you that you should destroy</p> <p>24 the letter, if I understood it, before you got the</p> <p>25 letter?</p>

<p style="text-align: right;">Page 286</p> <p>1 A Yes.</p> <p>2 Q I know Mr. Randolph represents the Town of</p> <p>3 Palm Beach. Does the police department have its own</p> <p>4 independent counsel?</p> <p>5 A No.</p> <p>6 Q So if you wanted to know whether in fact a</p> <p>7 letter that was being sent to you by anyone, whether</p> <p>8 it's another governmental agency, whether it's the</p> <p>9 feds, whether it's a citizen, whether something</p> <p>10 should be kept pursuant to the Florida Public</p> <p>11 Records Act or whether it should be destroyed, who</p> <p>12 would you go to, would you go to the Jones and</p> <p>13 Foster firm and ask that question?</p> <p>14 A Sometimes.</p> <p>15 Q If --</p> <p>16 A Sometimes we would know that and there</p> <p>17 wouldn't be a necessity.</p> <p>18 Q In this particular instance, had the</p> <p>19 federal government ever sent you a document that</p> <p>20 they asked you to destroy?</p> <p>21 A Had that ever happened before?</p> <p>22 Q Before Ms. Villafana's letter to you</p> <p>23 regarding Mr. Epstein and the list of purported</p> <p>24 victims? That is, you'd gotten a letter from</p> <p>25 someone that said I'm sending you a letter but</p>	<p style="text-align: right;">Page 288</p> <p>1 subject to the public records request, or public</p> <p>2 records law?</p> <p>3 A I was given direction by a United States</p> <p>4 Attorney, it seemed -- no, the thought never</p> <p>5 occurred to me to ask anybody else's advice.</p> <p>6 Q And I assume -- well let me ask you this.</p> <p>7 You made no copies of that document?</p> <p>8 A That's correct.</p> <p>9 Q How many names were on the list, or do you</p> <p>10 specifically have any recollection?</p> <p>11 A Thirty some or forty some.</p> <p>12 Q Do you know when you received the list in</p> <p>13 terms of time frame? And I would ask you to</p> <p>14 assume -- I think you told me that -- as far as you</p> <p>15 knew the non-prosecution agreement was in effect at</p> <p>16 the time that you received the list, or is it</p> <p>17 possible that the non-prosecution agreement hadn't</p> <p>18 been signed?</p> <p>19 A It's possible. I never saw it. I still</p> <p>20 to this day haven't seen the non-prosecution</p> <p>21 agreement. And I have been told there are different</p> <p>22 versions and addendums and all those sorts of</p> <p>23 things. It's possible, but the list had come very</p> <p>24 late in all of this. I mean this is not</p> <p>25 something -- the thought occurred to me that either</p>
<p style="text-align: right;">Page 287</p> <p>1 you've got to destroy it?</p> <p>2 A Yes.</p> <p>3 Q What other occasion had that occurred?</p> <p>4 A It would be a privileged situation.</p> <p>5 Q Don't use a name but describe a situation?</p> <p>6 A It would be national security information.</p> <p>7 Q And you understood that at least this</p> <p>8 list -- did that happen on one occasion or on more</p> <p>9 than one occasion where it involved a national</p> <p>10 security issue, sir?</p> <p>11 A I've only been thinking about it for a few</p> <p>12 minutes, but I can recall right now just one</p> <p>13 situation.</p> <p>14 Q Clearly the list of names of purported</p> <p>15 victims regarding Mr. Epstein, you would not have</p> <p>16 classified as national security issue, true?</p> <p>17 A Even seven or eight hours into this</p> <p>18 giddiness, that's correct.</p> <p>19 Q And therefore did you -- other than</p> <p>20 listening to what Ms. Villafana said to you, destroy</p> <p>21 the document, did you think that gee, maybe I should</p> <p>22 check with Mr. Randolph or check within the</p> <p>23 department first or check with Mr. Randolph's office</p> <p>24 at Jones, Foster to determine whether or not I can</p> <p>25 destroy this record or whether it's going to be</p>	<p style="text-align: right;">Page 289</p> <p>1 the state's criminal case was being resolved or had</p> <p>2 been resolved, it was very far along the way and</p> <p>3 that we still had a victim that came -- a victim or</p> <p>4 two that came kind of late in this thing that we</p> <p>5 didn't know whether or not the FBI, they'd ever</p> <p>6 talked to her. And so I wanted to make sure that we</p> <p>7 didn't have some responsibility to continue our</p> <p>8 investigation. So it was around the time of the</p> <p>9 sentencing.</p> <p>10 Q The sentencing of Mr. Epstein?</p> <p>11 A Yes.</p> <p>12 Q And it's possible that you could have</p> <p>13 received it before the sentence, it's possible you</p> <p>14 could have --</p> <p>15 A It's possible, yes.</p> <p>16 Q In terms of -- and if I understood what</p> <p>17 you described earlier, when you're doing an incident</p> <p>18 report and you have a victim, a victim may be a</p> <p>19 victim, a victim may not be a victim, that's really</p> <p>20 not -- that is, you're taking information, a person</p> <p>21 claims that he or she is a victim, they're recorded</p> <p>22 as a victim. As to whether they are or they're not,</p> <p>23 that's really not your issue, fair?</p> <p>24 A If it's believable, if it's -- we have</p> <p>25 people that report crimes to us falsely, and if we</p>

<p style="text-align: right;">Page 290</p> <p>1 know that at the point we wouldn't consider them a 2 victim. But if we think that it is possible they're 3 a victim, that person's name would be entered on the 4 report. 5 Q Did you advise the State Attorney's at all 6 of any new quote, unquote, victims, that you thought 7 might exist? 8 A No. 9 Q So you have the seventeen, I think that 10 are listed in Exhibit Number 2. Is it your 11 testimony that there were some additional people 12 that were post the incident report being finalized 13 sometime in July of 2006? 14 A I don't know, because I don't know their 15 names, you've given me a redacted report. Even if 16 you gave me an unredacted report, I don't think I 17 would know. The identity of the victims, their 18 actual names were never important to me. 19 Q Do you have an obligation; that is, if 20 another victim, purported victim comes forward, do 21 you have an obligation to give that information to 22 the State Attorney's Office? 23 A No. 24 Q What do you do with it? 25 A Investigate it. And in this particular</p>	<p style="text-align: right;">Page 292</p> <p>1 it to them. The State Attorney was never a party to 2 any of that. I felt as though he wasn't objective 3 with the case, I wasn't going to involve him in 4 that. And that's not the typical situation. Our 5 relationship in local law enforcement, at least in 6 this area, when it necessitates being involved with 7 the FBI or the U.S. Attorney, the State Attorney's 8 typically not involved. 9 Q Regard to Ms. Villafana -- well let me go 10 back to Acosta. You never met with him, you just 11 spoke with him over the phone? 12 A Who? I'm sorry. 13 Q Alex Acosta? 14 A No, I met with him. 15 Q Oh, you actually met with him? Did you go 16 down to Miami? 17 A Yes. 18 Q All right. How much time did you spend 19 with him? 20 A Probably an hour. 21 Q Was Ms. Villafana there? 22 A No. 23 Q Was Mr. Sloman there? 24 A I believe so. 25 Q Were you and Mr. Recarey both there?</p>
<p style="text-align: right;">Page 291</p> <p>1 case it was sort of a conundrum, if they hadn't been 2 considered in the federal case what do we do with 3 it. But it wasn't necessary because the names were 4 all there. 5 Q Prior to -- with regard to 6 Ms. Villafana -- let me ask you this. Separate and 7 apart from the conversation you had with Mr. Acosta, 8 did Ms. Villafana keep you -- in fact I need to step 9 back. 10 When you spoke with Mr. Acosta, I 11 gather you were trying to find out what the status 12 of their ongoing investigation was? 13 A Not really. The purpose of meeting with 14 him was to confirm that they were doing their job, 15 that they were being diligent in investigating the 16 case. 17 Q And was any -- let me ask it this way. 18 Why were you involved as the Chief of Palm Beach as 19 distinct from the State Attorney being involved or 20 being the connecting link with the U.S. Attorney's 21 Office on the Epstein matter? 22 A The State Attorney was not involved at all 23 in giving the information we had on the case to the 24 FBI. That was a direct -- I would have done it 25 anyway, but they asked for the information, I gave</p>	<p style="text-align: right;">Page 293</p> <p>1 A No. 2 Q Just yourself? 3 A That's correct. 4 Q And what did he tell you about the status 5 of the investigation? 6 A He was extremely guarded. Told me very 7 little about the status of the investigation. 8 Q So you went down there and you both said 9 hello. Well, let me strike that. 10 Had you met him before? 11 A Yes. 12 Q And you basically went down there and he 13 said we're working on it and that was it. Did you 14 get any additional information from him? 15 A Yes. 16 Q What did you talk about? 17 A Well -- 18 Q What did he tell you they were doing, if 19 anything? 20 A He told me that this is the very first 21 time that a Police Chief had ever asked to meet with 22 him about a case that was under investigation, and I 23 told him that this case is very unusual and that the 24 state chose to bring very minor charges compared to 25 what they could have brought in the case. And he</p>

1 acknowledged that the lawyers in this case had --
2 did very successful and he had been surprised at how
3 successful they had been at bogging down the federal
4 prosecution in the federal case.

5 I told him that the main purpose of
6 why I was there was that I was present at his
7 swearing in ceremony as well and I had heard what he
8 said and I was touched by it, and I wanted to know
9 that the kinds of things he held important in his
10 role as a United States Attorney would be carried
11 over to the action of this case, that they would
12 diligently investigate this and not minimize it as
13 the State Attorney did.

14 Q Well you concluded that -- you stated it
15 was your opinion that the State Attorney --

16 A That's my opinion.

17 Q -- minimized it?

18 A That's right.

19 Q And in fact you had taken it as a kind of
20 a cause celebre and you were pushing it with the
21 federal authorities, true?

22 MR. HILL: Object to the form.

23 MR. KUVIN: Join.

24 THE WITNESS: Untrue. Cause celebre you
25 would have seen me on the hundred television

1 shows that invited me to it.

2 BY MR. CRITTON:

3 Q Have you ever on a hundred television
4 shows during the time you were Chief of Police?

5 A In my view that's not the role of Police
6 Chief. Many other Police Chiefs feel otherwise.

7 Q With regard to then Mr. Acosta said we're
8 investigating it, as to whether or not did he
9 indicate whether or not there was -- indicate to you
10 at all, as to whether or not they had any evidence
11 on which to base any federal charges at that time,
12 or is that -- was he guarded about that?

13 A He was extremely guarded and he apologized
14 for having to be that guarded.

15 Q In your experience, if the federal
16 government believed it had basis to file charges,
17 they generally would file federal charges, wouldn't
18 they?

19 MR. GARCIA: Objection to form.

20 MR. KUVIN: Objection to form,
21 speculation.

22 THE WITNESS: All I know is that when we
23 bring fairly good -- we bring good cases to the
24 federal government, they typically follow
25 through and file charges if they're good cases.

1 BY MR. CRITTON:

2 Q In this instance though with regard to
3 Mr. Epstein, the federal government filed no charges
4 against him, at least as of today's date, true?

5 A That's my understanding, but I don't think
6 they would tell me if they did.

7 Q Well you'd know if charges were filed
8 against Mr. Epstein now, wouldn't you?

9 A I don't know that I'd know. I know that
10 there was a non-prosecution agreement.

11 Q Ms. Villafana -- after the meeting that
12 you had with Mr. Acosta, did you have an occasion to
13 meet with Ms. Villafana again in person?

14 A Yes. Yes. The award ceremony and
15 possibly one other time. I did talk to her as the
16 case and the non-prosecution and the state's case
17 and the plea progressed, I had more contact with
18 her.

19 Q If I asked you to assume the
20 non-prosecution agreement was signed when the
21 initial document was signed in September '07 between
22 2000 -- between July of '06 and the time that the
23 non-prosecution agreement was executed on or about
24 the end of September 2007, on how many occasions did
25 you meet with Ms. Villafana?

1 I know the one occasion where she may
2 have been with Junior Ortiz in July of '06. Did you
3 meet with her again in person?

4 A At the crime watch breakfast when I gave
5 the award.

6 Q Let's talk about Epstein.

7 A I don't believe so in person.

8 Q Did you speak with her over the phone?

9 A Yes.

10 Q On how many occasions? Best estimate.

11 A I don't know. Between a dozen and two
12 dozen.

13 Q Were you calling her or was she calling
14 you?

15 A Usually I contacted her.

16 Q Why?

17 A Pieces of information would come to the
18 department that needed to be communicated to them.
19 There were time periods when the FBI wasn't
20 answering our phone calls on this case. And they
21 were very unusual with this, they told us very
22 little, and I accepted that. I didn't feel like I
23 needed to be informed, I felt like I needed to know
24 that they were becoming informed and that they were
25 investigating the case.

<p style="text-align: right;">Page 298</p> <p>1 Q You're talking about a little over a year, 2 a dozen or so communications between at least calls 3 to or from Ms. Villafana to you? 4 A Right. 5 Q What are we talking about? 6 A Do you want me to guess about the number? 7 Q No, I asked for your best estimate and you 8 said approximately a dozen calls. 9 A The best estimate is a guess in this case. 10 Q So what did you do, did you call up and 11 say what's going on with regard to the Epstein 12 matter? 13 A Sometimes when we hadn't heard from them 14 for months or when Detective Recarey would call the 15 FBI and the FBI would say I'm not -- 16 Q Oh, I'm sorry, he has to change the tape. 17 THE VIDEOGRAPHER: We're off the record at 18 5:50. This is the end of tape 5. 19 (Off the record) 20 THE VIDEOGRAPHER: We're back on the 21 record at 5:58. This is the beginning of tape 22 6. 23 BY MR. CRITTON: 24 Q Mr. Reiter, has there ever been an 25 occasion, another occasion, when you've been the</p>	<p style="text-align: right;">Page 300</p> <p>1 with them that you were disappointed with the manner 2 in which the State Attorney had prosecuted or had 3 handled the Epstein matter? 4 MR. HILL: Objection, asked and answered. 5 MR. KUVIN: Twice, join. 6 THE WITNESS: Yeah. I don't know that I 7 used that exact word. I didn't feel as though 8 justice had been sufficiently served. 9 BY MR. CRITTON: 10 Q Had there ever been another instance where 11 the State Attorney had either filed charges, had 12 gone to a Grand Jury, as they did in the Epstein 13 case, and then you subsequently contacted either the 14 FBI or the U.S. Attorney's Office and/or they 15 contacted you? 16 A I'll try to stay with you better this 17 time. Could you -- 18 Q In this particular instance Mr. Krischer 19 took the Epstein charges, or the allegations, to a 20 Grand Jury, the Grand Jury came back with an 21 indictment and he subsequently was arrested. You 22 subsequently had contact with the FBI and the FBI 23 and the USAO did their own independent 24 investigation, correct? 25 A Yes.</p>
<p style="text-align: right;">Page 299</p> <p>1 Chief, when you were Chief of Police, where you went 2 to the FBI and/or the FBI called you about pursuing 3 a prosecution because you felt what the state had 4 done was not adequate or not acceptable to you? 5 A No. 6 Q This was the first and only occasion, 7 correct? 8 A Well that was kind of a complicated set of 9 situation, circumstances. But what you described, 10 this is the first time that I was not -- didn't 11 think that justice was sufficiently served and that 12 the FBI contacted me to initiate an investigation. 13 That unusual thing, yes, that's true. 14 Q And in fact you were in large part relying 15 on the report that had been done in the 16 investigation that had been done by the Palm Beach 17 Police Department? 18 A Yes. 19 Q Had there ever been an occasion where -- 20 let me strike that. 21 At any time, did you tell the FBI not 22 to discuss the case with the State Attorney's 23 Office? 24 A No. 25 Q Did you tell the FBI when you first met</p>	<p style="text-align: right;">Page 301</p> <p>1 Q Had you ever had another circumstance like 2 that during the time that you had been the Chief or 3 the Assistant Chief or a police officer for the Town 4 of Palm Beach; that is, where the State Attorney had 5 filed either charges that you didn't agree with or 6 had taken it to a Grand Jury, Grand Jury had come 7 back and had returned an indictment and then you 8 went to the FBI or the FBI contacted you, or was 9 this the first and only occasion? 10 A This was the first occasion in which I 11 ever had a case go to a State Grand Jury that wasn't 12 a homicide. There have been other instances that 13 the case bogged down in the state prosecution and it 14 was clear that the most appropriate place to be 15 would be a federal prosecution. And the case was 16 eventually investigated by the FBI or the DEA or the 17 Secret Service or somebody being prosecuted by the 18 US Attorney. 19 Q In that particular situation though, did 20 the state work -- the State Attorney's Office work 21 with the FBI or the U.S. AO's office to bring the 22 federal charges because it got bogged down in the 23 state investigation and/or process? 24 A Yes, typically that's how it would go. 25 Q So the state was then actively involved</p>

<p style="text-align: right;">Page 302</p> <p>1 with the feds so that the feds could then proceed or 2 prosecute under their laws, true? 3 A That's typically how that would go, yes. 4 Q Did you ever meet a person by the name of 5 A. H.? 6 A Is that a male or a female? 7 Q A female. 8 A I don't believe so. 9 Q Did you ever meet any individual who 10 purportedly was a victim at any time? 11 A Not that I'm aware of. 12 Q And if I understood your earlier 13 testimony, you never spoke with any parent or 14 guardian of anyone who is a purported victim, true? 15 A Not that I'm aware of, at least not about 16 this case. 17 Q Did you ever tell Mr. Krischer that you 18 believed this case was bigger than Rush Limbaugh's 19 case? 20 A No. 21 Q You deny saying that? 22 A Yes. I don't know what bigger than Rush 23 Limbaugh's case means, but I don't remember saying 24 that. 25 Q Did you ever tell Lanna, the Assistant</p>	<p style="text-align: right;">Page 304</p> <p>1 But had you ever seen a similar 2 circumstance where a Chief of Police of a 3 municipality or a town had been dissatisfied for 4 whatever reasons with the State Attorney, what the 5 State Attorney was doing with regard to a particular 6 prosecution, and then gone to the U.S. Attorney's 7 Office? 8 A I didn't conduct myself based on what 9 other people did when I was Police Chief. 10 Q That wasn't my question. Had you ever 11 seen that happen before? 12 A Well I never did it before. Am I aware of 13 other circumstances, if that's what you're asking 14 me, where that happened, no. 15 Q Did you ever give any -- let me strike 16 that. 17 What contacts did you have with the 18 press regarding the Epstein case? 19 A I had many attempts at them to get me to 20 talk to them. Sometimes they would break through. 21 I just got a phone call a few weeks ago from a New 22 York newspaper reporter on my cell phone. I had 23 many different instances of news media attempting to 24 question me about this case, sometimes using a ruse, 25 sometimes showing up at places that I would be</p>
<p style="text-align: right;">Page 303</p> <p>1 State Attorney that you didn't care if this wasn't a 2 real case, that you wanted this matter prosecuted? 3 A That certainly doesn't sound like 4 something that I would say. I don't know what it 5 means when it's not a real case. Nobody ever told 6 me it's not a real case. 7 Q Did you ever tell her you wanted this case 8 brought irrespective of what the State Attorney's -- 9 how the State Attorney felt about it because you 10 wanted to embarrass Epstein? 11 A Never. 12 Q You deny saying that? 13 A Absolutely. That's not the role of a 14 Police Chief. 15 Q In any department in which you've been 16 associated, have you ever seen or observed the Chief 17 of Police go to the U.S. Attorney's Office and 18 bypass the State Attorney's Office like you did in 19 this instance regarding the Epstein case? 20 MR. GARCIA: Object to form. 21 MR. KUVIN: Join. 22 THE WITNESS: I didn't. We presented the 23 case to the State Attorney first. 24 BY MR. CRITTON: 25 Q I understand that.</p>	<p style="text-align: right;">Page 305</p> <p>1 speaking on a completely different subject, 2 pretending to cover that subject and then they'd ask 3 me questions about this case. There were many, many 4 instances of that. 5 The only instance that I can remember 6 where I actually communicated at all was in my 7 retirement when the local newspaper asked me about 8 the case and I said something like -- I'm sure you 9 read it, probably have it in front of you -- that 10 the Epstein case was an instance of a many million 11 dollars defense and what it can accomplish. That's 12 it. 13 Q In terms of -- do you know Mr. Connelly, 14 John Connelly? 15 A I know him by reputation. I have never 16 spoken with him and I've never met him. 17 Q With regard to the -- with regard to 18 Mr. Krishcer, let me strike that. 19 With regard to the -- your statement 20 that you said you didn't feel that justice was being 21 served. Do you recall saying that more than once? 22 A Yes. That I wrote in a letter to the 23 parents of the victims. 24 Q And the letter that you wrote to the 25 parents of the victims, do you still have a copy of</p>

<p style="text-align: right;">Page 306</p> <p>1 that or would that be within the --</p> <p>2 A I don't have a copy of that.</p> <p>3 Q One-page letter?</p> <p>4 A Yes, very brief letter.</p> <p>5 Q And to whom did you send that?</p> <p>6 A The parents of the victims that were still</p> <p>7 juveniles. And if the victims had crossed over as</p> <p>8 an adult, I would have sent the letter to them</p> <p>9 directly.</p> <p>10 Q And those would be people of the -- some</p> <p>11 of the names, some of the seventeen names that are</p> <p>12 on the incident report?</p> <p>13 A Yes.</p> <p>14 Q Did you write to any of the individuals on</p> <p>15 the letter, that were included on the letter, that</p> <p>16 Ms. Villafana sent you that you destroyed?</p> <p>17 A Well only in that the names of the</p> <p>18 victims --</p> <p>19 Q I understand.</p> <p>20 A Seven, eight, so it wasn't seventeen, it</p> <p>21 was a smaller number, that those also appeared on</p> <p>22 the letter from the U.S. Attorney. I only wrote one</p> <p>23 time, one day, the Monday after the Grand Jury and</p> <p>24 the arrest.</p> <p>25 Q With regard to the letter that</p>	<p style="text-align: right;">Page 308</p> <p>1 recall it was from the FBI.</p> <p>2 Q That one instance?</p> <p>3 A Uh-huh.</p> <p>4 Q Had you, in conjunction with the</p> <p>5 information that you got, you were told to destroy</p> <p>6 that as well?</p> <p>7 A Yes.</p> <p>8 Q Did you ever check with Mr. Randolph or</p> <p>9 anyone else to determine whether you should or</p> <p>10 should not destroy that piece of information?</p> <p>11 A No.</p> <p>12 Q Did Mr. Recarey, or Detective Recarey,</p> <p>13 make a list of the names that were on the letter to</p> <p>14 your knowledge?</p> <p>15 A No.</p> <p>16 Q With regard to your statement you made</p> <p>17 earlier, you didn't think justice was being served,</p> <p>18 both Lanna, the Assistant State Attorney, and Mr.</p> <p>19 Krischer told you that they were not impressed in</p> <p>20 some ways with the qualities of the victims, of the</p> <p>21 alleged victims; that is, their stories, type of</p> <p>22 witnesses they were, the type of evidence that would</p> <p>23 be presented in conjunction with an attempted</p> <p>24 prosecution against Mr. Epstein, true?</p> <p>25 MR. GARCIA: Object to form.</p>
<p style="text-align: right;">Page 307</p> <p>1 Ms. Villafana sent, did you show that to Detective</p> <p>2 Recarey or anyone else in the department?</p> <p>3 A I showed it to Detective Recarey because I</p> <p>4 didn't know the victims, or even the victims' names,</p> <p>5 and I needed him to confirm that all of the victims</p> <p>6 that we had for the state case were included on</p> <p>7 that. And he looked at it and he said they're all</p> <p>8 there and then I destroyed it.</p> <p>9 Q Did he come and look at that letter in</p> <p>10 your presence?</p> <p>11 A Yes.</p> <p>12 Q And did he bring in his reports so that</p> <p>13 he -- did you watch him compare the names?</p> <p>14 A Yes.</p> <p>15 Q Did he make a copy of the letter?</p> <p>16 A No.</p> <p>17 Q Did you ever give the letter to him or was</p> <p>18 the letter always in your presence?</p> <p>19 A It was always in my presence.</p> <p>20 Q The other occasion where you referenced</p> <p>21 that you had destroyed a letter as a result of</p> <p>22 national security, was that from like Homeland</p> <p>23 Security or something like that, that they had</p> <p>24 specifically said destroy a piece of information?</p> <p>25 A I think you asked me from the FBI and I</p>	<p style="text-align: right;">Page 309</p> <p>1 MR. KUVIN: Join.</p> <p>2 MR. GARCIA: Compound.</p> <p>3 BY MR. CRITTON:</p> <p>4 Q Let me rephrase it. What specifically did</p> <p>5 Mr. Krischer say, if it was Lanna or whoever else,</p> <p>6 what specifically did they tell you about the</p> <p>7 victims that had been presented to them in the Palm</p> <p>8 Beach Police Department investigation?</p> <p>9 A That at least some of them would not make</p> <p>10 good witnesses and they wouldn't be credible.</p> <p>11 Q And you recall from seeing, I think</p> <p>12 looking at Exhibit 2 earlier today, some of the</p> <p>13 purported victims were eighteen or older, correct?</p> <p>14 MR. GARCIA: Time frame? The time of the</p> <p>15 crime or the time of the --</p> <p>16 BY MR. CRITTON:</p> <p>17 Q The time of the alleged event or activity</p> <p>18 --</p> <p>19 A Well they wouldn't be a victim if they</p> <p>20 were -- unless there was -- if it was a consensual</p> <p>21 situation it wouldn't be a victim.</p> <p>22 Q Take a look at -- if you'll look at</p> <p>23 Exhibit 2, number 12, do you recall that, that</p> <p>24 individual being; that is, from the report, the</p> <p>25 actual investigative report, indicates that this</p>

<p style="text-align: right;">Page 310</p> <p>1 individual was eighteen when she first saw Mr. 2 Epstein. Were you aware of that fact? 3 A I think that might be a false assumption. 4 My understanding of this computer system is that he 5 calculates the age based on a date of birth. And so 6 if you ran it once every year, the day after the 7 person's birthday I think it changes. 8 Q Say that once more? 9 A Okay. I think that the computer system 10 where it displays birthdate/age, that it calculates 11 the actual age when it prints, the computer when it 12 does the printout, and that changes over time. I 13 don't -- I'm not sure that the eighteen years old 14 means that's how old she was when the report was 15 originally made. It may very well be a calculation 16 based on figuring out the actual age of the time of 17 the report, I'm not sure. 18 Q You don't know as you sit here today? 19 A I don't know, and I don't even know who 20 the victim -- all I see is, I don't know, there's an 21 eighteen here. I don't know who it's attached to, I 22 don't know how it could evaluate that. 23 Q If I asked you to assume that her 24 statement reflects that she was eighteen when she 25 saw Mr. Epstein, should she be listed as a victim?</p>	<p style="text-align: right;">Page 312</p> <p>1 that while that statement may have been more or 2 less true about some victims, to his knowledge 3 in looking at web pages and so on, was less 4 true if true at all about other victims. 5 BY MR. CRITTON: 6 Q Did you ever go look; that is, did you 7 ever take the opportunity before you had the 8 discussion with the FBI to determine whether or not 9 quote, unquote, justice was being done? Did you 10 ever go look at the statements, look at the web 11 pages, look at the Facebooks, the My Space, look at 12 what the witnesses had initially said to the police 13 and what their statements reflected to determine 14 whether or not the -- not necessarily the quality, 15 but the voracity of the witnesses would be such 16 whether -- that's an awful question, let me start 17 again. 18 A There's a lot of commas in that one. 19 Q I know that, that's why I'm starting 20 again. 21 Did you ever take the time to look at 22 the My Space pages or the Facebook pages of these 23 females to determine in your own mind whether or not 24 what they were claiming was in fact credible or not? 25 MR. GARCIA: Object to the form of the</p>
<p style="text-align: right;">Page 311</p> <p>1 A Well, unless there was a -- this -- unless 2 the person was a situation where there were some 3 force involved and some of the girls or women 4 suggested that, then no, I don't know why a person 5 who didn't allege any -- if it would be eighteen 6 years old and didn't allege any force and it was a 7 consensual situation, that person would not normally 8 be classified as a victim even if it was 9 prostitution. 10 Q And with regard to the witnesses, the 11 quality of the witnesses and some of their 12 background, their web pages or their My Space or 13 their Facebook accounts and the information that was 14 there, who told you that they -- that is, was it 15 Mr. Krischer or was it someone else who said that 16 they were concerned with the quality of the 17 witnesses and what had occurred, or in fact what had 18 not occurred? 19 MR. GARCIA: Object to the form. 20 THE WITNESS: Mr. Krischer told me that 21 all those things you just mentioned made some 22 of the witnesses less than credible moving 23 forward with the prosecution. And Detective 24 Recarey did some investigation on his own in 25 looking at web pages and so on, and told me</p>	<p style="text-align: right;">Page 313</p> <p>1 question. 2 MR. KUVIN: Join. 3 THE WITNESS: All of that that you just 4 described was summarized for me by Detective 5 Recarey and other supervisors who were involved 6 in the case who had actually reviewed all that 7 directly. I did look at one victim's printout 8 of one victim's Facebook page. 9 BY MR. CRITTON: 10 Q Are you aware of, from looking at the -- 11 if you look at number 11 on Exhibit 2, her birthdate 12 August 6, 1986. I'm sorry, August 9th, 1986. 13 A I don't have that on mine. 14 Q Your birth dates are redacted? 15 A Yes. 16 Q What do you have, just the age? 17 A Yes. 18 Q So if you're looking at eighteen, if I ask 19 you to assume that the birthdate for number 11 was 20 August 6, 1986, that would have made her eighteen as 21 of August of 2004, correct? 22 A After this many hours I'm not sure my math 23 is all that good. Sounds roughly right. 24 Q And in looking at -- in number 12 if I ask 25 you to assume her birthdate was June 1st, 1986, as</p>

<p style="text-align: right;">Page 314</p> <p>1 of June 1st then of 2004 she would have been 2 eighteen. Again if I just ask you -- that's right, 3 you don't have the birthdate in front of you. But 4 again, if it's June 1st of '86. 5 A In what year would she be eighteen? 6 Q 2004. So assuming she saw -- 7 A Yes. 8 Q -- Mr. Epstein sometime after June of 9 2004, she would have been eighteen at the time. 10 Assuming number 11 had seen Mr. 11 Epstein sometime after August -- on August 9th, 2004 12 or thereafter, she would then therefore have been 13 eighteen, and therefore those two people would not 14 have been, at least from your view absent physical 15 force or some sort of violence or coercion, they 16 would not have legitimate or appropriate victims, 17 correct? 18 A It could have been maybe more accurately 19 been described from what you've said, if that's 20 true, as a witness rather than a victim. 21 Q Right. And if I go to number 15 she's 22 reflected as being nineteen. And if I ask you to 23 assume that her birthdate was August 24, 1985, 24 adding eighteen years to that, as of August 24th, 25 2003, she would have been eighteen. And assuming</p>	<p style="text-align: right;">Page 316</p> <p>1 redaction? 2 A Yes. 3 Q Was there ever -- did Mr. -- did Detective 4 Recarey ever attempt or ever rate the victims or 5 qualify them in any way as to alleged victim 1, this 6 is what occurred and I can put her with number 3, 5 7 and 7; that is, was there any attempt to categorize 8 the victims as -- the alleged victims, as to what 9 had occurred or purportedly had occurred? 10 A Yes. Is there any chance that that has 11 gone to 78 degrees and it's hot in here now? 12 (Off the record) 13 BY MR. CRITTON: 14 Q You talked about -- let me just go back 15 to -- with regard Ms. Weiss, was there ever a 16 suggestion to you that there was any impropriety by 17 her at any time when she left the investigation of 18 the Epstein matter? 19 A There was an appearance of impropriety 20 just by circumstances. Never had any information 21 that there was any unlawful or unethical conduct. 22 Q Had you ever worked with Ms. Weiss before? 23 A No, not that I can recall, other than 24 knowing that she had prosecuted other cases in the 25 department. And that's working at one level. But</p>
<p style="text-align: right;">Page 315</p> <p>1 she didn't go to Mr. Epstein's house after that 2 period of time, that's another victim that may have 3 been more appropriately a witness, correct? 4 MR. GARCIA: Object to the form. 5 THE WITNESS: Well you're building sort of 6 a non-factual basis and asking me to comment, 7 but if all those -- 8 BY MR. CRITTON: 9 Q Just a hypothetical. 10 MR. GARCIA: Object to form. 11 THE WITNESS: Yeah. From all of those 12 things that you've said, that could have 13 certainly been. I never considered that we had 14 however many seventeen victims in this. I felt 15 like we had -- don't remember the exact number, 16 seven, eight or nine, and that's how many 17 people I wrote letters to. 18 BY MR. CRITTON: 19 Q Was -- let me strike that. 20 The letters that you wrote I think 21 you were asked earlier, should those letters still 22 be in existence? 23 A Yes. 24 Q And they would actually reflect who they 25 were sent to assuming, you know, absent the</p>	<p style="text-align: right;">Page 317</p> <p>1 have I had any personal contact, I don't think so. 2 Q And if I understand you correctly, no one 3 ever suggested or has given you any information to 4 suggest that she did anything improper with regard 5 to the Epstein investigation, true? 6 A Not at all, she has an excellent 7 reputation. 8 Q And in fact, if I ask you to assume -- 9 well, you know that her husband is associated with 10 Mr. Goldberger, correct? 11 A Yes. 12 Q You know that. And do you know 13 approximately how many times a year she gets 14 disqualified or may get disqualified from a case 15 because the investigation that may be being 16 performed by either the Town of Palm Beach or West 17 Palm Beach or any other -- or the sheriff's 18 department, in fact the alleged suspect or the 19 suspect goes and hires either Mr. Goldberger or her 20 husband? 21 MR. KUVIN: Form. 22 THE WITNESS: I can answer that. 23 Hopefully every time that that happens. 24 BY MR. CRITTON: 25 Q Whether it happens five or ten or fifteen</p>

<p style="text-align: right;">Page 318</p> <p>1 or twenty times a year, you would have no idea?</p> <p>2 A I have no idea.</p> <p>3 Q And the appropriate thing for her to do,</p> <p>4 if in fact the suspect goes and hires either her</p> <p>5 husband or Mr. Attenbury who's associated with</p> <p>6 Mr. Goldberger, the appropriate thing for her to do</p> <p>7 under those circumstances is to resign from the case</p> <p>8 and have no further involvement in it, true?</p> <p>9 A That's my opinion, yes.</p> <p>10 Q And so therefore there -- well, let me</p> <p>11 strike that.</p> <p>12 Is there someplace there's a CV of</p> <p>13 you that's posted, Chief, a resume, like if I went</p> <p>14 to your website? Do you have a website?</p> <p>15 A Probably not anymore. I don't have a</p> <p>16 website for my business.</p> <p>17 Q You mentioned something earlier today that</p> <p>18 you said that the State Attorney basically said that</p> <p>19 as to prostitution that occurs, perspective</p> <p>20 prostitution that occurs at someone's private</p> <p>21 residence, whether it's in Palm Beach or West Palm</p> <p>22 Beach or someplace else, those are crimes that are</p> <p>23 never prosecuted, not only here in West Palm Beach</p> <p>24 or Palm Beach County but across the country. Do you</p> <p>25 remember saying that earlier?</p>	<p style="text-align: right;">Page 320</p> <p>1 predecessor. But we did them for a while and any</p> <p>2 resort community, any resort hotel, I must say work</p> <p>3 very hard to keep it out of there. There's going to</p> <p>4 be that kind of activity when you have affluent</p> <p>5 potential patrons. And we -- because the</p> <p>6 prosecutions just weren't something that was</p> <p>7 welcomed and the arrests that we made all went into</p> <p>8 like a community control sort of treatment pretrial</p> <p>9 intervention program, we stopped doing them. And</p> <p>10 most police departments did.</p> <p>11 Q In your current business, do you, and</p> <p>12 again I don't want to know the names of the clients,</p> <p>13 do you do any work for lawyers?</p> <p>14 A I don't purposely exclude lawyers as</p> <p>15 potential clients.</p> <p>16 Q Have you done any work for lawyers since</p> <p>17 you started?</p> <p>18 A You know, I just -- I really don't see why</p> <p>19 I should reveal the proprietary information about my</p> <p>20 business, the kind of detail of what I do. The</p> <p>21 people that are my clients I have some</p> <p>22 confidentiality agreements with them and I don't see</p> <p>23 that that has anything to do at all with this.</p> <p>24 MR. CRITTON: Could you read my question</p> <p>25 back, please.</p>
<p style="text-align: right;">Page 319</p> <p>1 A No.</p> <p>2 Q You don't remember saying that?</p> <p>3 A I didn't say that.</p> <p>4 Q Are you aware of any -- well, let me</p> <p>5 strike that.</p> <p>6 Is that something that the State</p> <p>7 Attorney told you?</p> <p>8 MR. HILL: Object to form.</p> <p>9 MR. KUVIN: Join.</p> <p>10 THE WITNESS: No, that's not what I said.</p> <p>11 BY MR. CRITTON:</p> <p>12 Q Explain it. Say back then what I heard</p> <p>13 earlier from you, if you would please.</p> <p>14 A I said a couple of things concerning that</p> <p>15 the Palm Beach Police Department, we did not</p> <p>16 normally devote our resources to incidents of</p> <p>17 prostitution that occur in private homes and don't</p> <p>18 have some other criminal component, drug selling or</p> <p>19 any of those other things. I know that that goes</p> <p>20 on, I know it goes on all over the country.</p> <p>21 Separate from that, I said that the</p> <p>22 State Attorney's Office really discouraged us from</p> <p>23 doing prostitution sting operations because he</p> <p>24 didn't feel that it was prosecutable. And, you</p> <p>25 know, this may even go back to David Bloodworth, his</p>	<p style="text-align: right;">Page 321</p> <p>1 COURT REPORTER: I've run out of paper,</p> <p>2 I'm sorry.</p> <p>3 MR. CRITTON: While you're changing paper,</p> <p>4 let's take a break.</p> <p>5 THE VIDEOGRAPHER: We're off the record at</p> <p>6 6:30.</p> <p>7 (Off the record)</p> <p>8 THE VIDEOGRAPHER: We're back on the</p> <p>9 record at 6:35.</p> <p>10 BY MR. CRITTON:</p> <p>11 Q Mr. Reiter, you had said that you had</p> <p>12 sent -- after the indictment came back against</p> <p>13 Mr. Epstein, you'd sent, I think you said, seven</p> <p>14 letters?</p> <p>15 A I said seven, eight or nine.</p> <p>16 Q And at least from looking at the incident</p> <p>17 report, there were seventeen people who were listed</p> <p>18 as potential victims. Assuming three of them may</p> <p>19 have been -- well, let me strike that.</p> <p>20 If you sent seven, eight or nine</p> <p>21 letters, how did you determine who you would send</p> <p>22 the letter to and who you would not send the letter</p> <p>23 to of the seventeen people that were listed?</p> <p>24 A The victims that we presented the probable</p> <p>25 cause affidavit to the State Attorney, and</p>

<p style="text-align: right;">Page 322</p> <p>1 application for capias, those were the victims that 2 I wrote to. 3 Q Did you discuss sending the letter with 4 Detective Recarey before you sent it? 5 A I think I told him I was going to do it. 6 Q So if I look at the probable cause 7 affidavit, I should see -- maybe in a redacted form, 8 but I should be able to see seven, eight, nine, 9 however many people that were presented to the State 10 Attorney's, and that probable cause affidavit were 11 the ones who received the letter? 12 A Yes, generally. There may have been a 13 victim or two, I don't remember, that could have 14 been more victims in the probable cause affidavit. 15 I know some became less interested in a prosecution 16 and cooperative as time went on. And if that was 17 the case, if the numbers don't match and it's fewer 18 letters than there were victims presented in the 19 probable cause affidavit, that would be the 20 explanation as why. 21 Q But how would you decide if someone was 22 presented in the probable cause -- well, let me 23 strike that. 24 You have seventeen victims listed in 25 the investigation, the lesser number that was in the</p>	<p style="text-align: right;">Page 324</p> <p>1 shouldn't have, you're probably going to find a 2 one-to-one comparison. 3 MR. RANDOLPH: You meant under age 4 eighteen. 5 THE WITNESS: What did I say? 6 MR. CRITTON: He said if they're over 7 eighteen he sent them the letter. If they were 8 under eighteen he sent them to the parents. 9 THE WITNESS: That's the eight hours later 10 situation. So you're the tired one, not me. 11 BY MR. CRITTON: 12 Q And with regard to the people that were 13 not in the probable cause affidavit, assuming there 14 was a one-to-one correlation, whether to individuals 15 in the probable cause affidavit, were you involved 16 in the decision to include seven, eight, however 17 many people were in the probable cause affidavit and 18 then discounting the other individuals who had been 19 listed initially on the incident report as victims 20 but didn't pass muster, so to speak, to be in the 21 probable cause affidavit? 22 A Well as you suggested as a result of their 23 age. But did I review, did I participate in that, 24 by review, yes. Every person for which we felt we 25 had -- every victim for which we felt we had a</p>
<p style="text-align: right;">Page 323</p> <p>1 probable cause affidavit and then even lesser number 2 to whom you ultimately sent the letter. How did you 3 make the decision as to whether someone was the 4 right victim as distinct from you discarded other 5 people who you may have considered victims, but for 6 some reason you didn't feel worth having received -- 7 and I don't mean worthy in terms of, you know, you 8 deemed -- you weren't going to send them a letter? 9 MR. GARCIA: Object to form. 10 MR. KUVIN: Join. 11 THE WITNESS: I sent the letter to the 12 victims if they were over age eighteen at the 13 time of their letter, or their parents if they 14 were not, that were named in the probable cause 15 affidavit sent to the State Attorney's Office. 16 I think that there's a very good chance that 17 there's a one-to-one match up. If there is not 18 a one-to-one match up and there were fewer 19 letters than there were individuals mentioned 20 in the probable cause affidavit, the 21 explanation would likely be that in between the 22 presentation of the probable cause affidavit 23 and the Monday after the arrest, that they 24 became less cooperative or not cooperative with 25 the investigation. I'm just guessing and I</p>	<p style="text-align: right;">Page 325</p> <p>1 prosecutable case and a particular crime that 2 matched up to that, we filed a probable cause 3 affidavit and request for a capias. 4 Q Do you have a recollection of having 5 discussed with Detective Recarey whether any of the 6 females who were purported victims had worked in 7 local massage parlors in West Palm Beach? 8 When I say massage parlors I'm 9 talking about where they were working in massage 10 parlors or could be a Jack shack, but where they 11 were performing sexual favors for individuals while 12 performing their massage? 13 MR. GARCIA: Object to form. 14 MR. KUVIN: Join. Can you define what you 15 meant by Jack shack? 16 BY MR. CRITTON: 17 Q Well let me ask the Chief -- I'll rephrase 18 the question. 19 Have you ever heard the expression 20 Jack shack? 21 A No. 22 Q Okay. 23 A Not prior to your -- I think you're 24 polluting me. 25 Q I doubt that.</p>

<p style="text-align: right;">Page 326</p> <p>1 MR. KUVIN: Jack is someone's name?</p> <p>2 MR. CRITTON: Let me rephrase the</p> <p>3 question.</p> <p>4 BY MR. CRITTON:</p> <p>5 Q You're familiar with massage parlors that</p> <p>6 operate over in West Palm Beach that have a front as</p> <p>7 a massage parlor but in fact men will go there and</p> <p>8 sexual favors will be performed for a certain price?</p> <p>9 A I understand that they exist, I'm not</p> <p>10 familiar with them.</p> <p>11 Q It doesn't come as a shock to you that</p> <p>12 they exist in West Palm Beach and you've read about</p> <p>13 them I assume?</p> <p>14 A I have.</p> <p>15 Q All right. And were you able to -- do you</p> <p>16 recall from the investigation Detective Recarey did,</p> <p>17 whether he ever brought to your attention that one</p> <p>18 or more of the purported victims were in fact</p> <p>19 employees or independent contractors of these</p> <p>20 massage parlors over in West Palm Beach; that is,</p> <p>21 they gave massages but they also performed sexual</p> <p>22 favors for men?</p> <p>23 MR. GARCIA: Objection.</p> <p>24 MR. KUVIN: Join.</p> <p>25 THE WITNESS: No.</p>	<p style="text-align: right;">Page 328</p> <p>1 eighteen?</p> <p>2 Q Yes.</p> <p>3 A That is a complete surprise to me if</p> <p>4 that's the case.</p> <p>5 Q Were you -- did Detective Recarey indicate</p> <p>6 to you that any of the purported victims worked at</p> <p>7 strip clubs or at any escort services prior to and</p> <p>8 during the time they were seeing Mr. Epstein?</p> <p>9 MR. HILL: Object to the form.</p> <p>10 THE WITNESS: Detective Recarey or</p> <p>11 somebody else in the Palm Beach Police</p> <p>12 Department did tell me that one of the victims</p> <p>13 who was under age eighteen at the time that she</p> <p>14 met Mr. Epstein had subsequently been employed</p> <p>15 in a nude bar.</p> <p>16 BY MR. CRITTON:</p> <p>17 Q But subsequent to seeing Mr. Epstein?</p> <p>18 A Yes.</p> <p>19 Q And if in fact the alleged victims did</p> <p>20 work in a strip club or worked as an escort for an</p> <p>21 escort service performing, in addition to the</p> <p>22 escorting, performing sexual favors, that also would</p> <p>23 be a surprise; that is, prior to the time and during</p> <p>24 the time they met with Mr. Epstein, that would be a</p> <p>25 surprise to you?</p>
<p style="text-align: right;">Page 327</p> <p>1 BY MR. CRITTON:</p> <p>2 Q And if in fact that were true now; that</p> <p>3 is, if in fact information was provided to you that</p> <p>4 some of the witnesses -- I'm sorry, some of the</p> <p>5 victims, purported victims that existed on the</p> <p>6 probable cause affidavit had in fact worked either</p> <p>7 as an independent contractor or as an employee for</p> <p>8 these massage parlors performing sexual favors for</p> <p>9 men, that would be a surprise to you, at least at</p> <p>10 this point in time?</p> <p>11 MR. KUVIN: Objection to form.</p> <p>12 THE WITNESS: At the time that they had</p> <p>13 met Mr. Epstein?</p> <p>14 BY MR. CRITTON:</p> <p>15 Q Prior to the time that they had met</p> <p>16 Mr. Epstein?</p> <p>17 A That would be a surprise to me.</p> <p>18 Q Okay. And if in fact either prior to or</p> <p>19 during the time they met with Mr. Epstein, they also</p> <p>20 worked at these massage parlors, that would be a</p> <p>21 surprise to you?</p> <p>22 MR. HILL: Object to the form.</p> <p>23 BY MR. CRITTON:</p> <p>24 Q Correct?</p> <p>25 A When you say victim, do you mean under age</p>	<p style="text-align: right;">Page 329</p> <p>1 MR. GARCIA: Object to the form, lack of</p> <p>2 foundation, and compound.</p> <p>3 MR. KUVIN: Join.</p> <p>4 THE WITNESS: That would be a surprise to</p> <p>5 me, yes, that is a surprise to me.</p> <p>6 BY MR. CRITTON:</p> <p>7 Q And if you had known that information at</p> <p>8 the time; that is, that the one or more of the</p> <p>9 alleged victims were either working at a local</p> <p>10 massage parlor, strip club or an escort service</p> <p>11 performing sexual favors for men prior to the time</p> <p>12 they ever met with Mr. Epstein, might that have</p> <p>13 changed your view or would that have changed your</p> <p>14 view with regard let's say the quality of that</p> <p>15 individual as a witness and whether or not you felt</p> <p>16 quote, unquote, justice was being done, with regard</p> <p>17 to the Epstein case?</p> <p>18 MR. HILL: Object to the form.</p> <p>19 MR. KUVIN: Join.</p> <p>20 THE WITNESS: It may have.</p> <p>21 BY MR. CRITTON:</p> <p>22 Q And, Mr. Reiter, I asked you earlier</p> <p>23 during your -- either during the time you were Chief</p> <p>24 Reiter and before you retired and now are civilian</p> <p>25 Reiter, has anyone from either the FBI or the U.S.</p>

1 AO's office up until today's date told you that they
2 have filed or brought any charges against
3 Mr. Epstein?

4 A No.

5 Q Before we ran out of paper I asked you a
6 question and you were -- I think you were
7 disinclined to answer, but let me ask it again.

8 Since the time you started your
9 business, and I don't want to know the names of the
10 lawyers, have you provided services to law firms?

11 A Again, I don't see what that has to do
12 with this. That's not my business, it's just not my
13 business. I don't do litigation support or services
14 for law firms, it's just not my business.

15 Q Law firms often want investigations.

16 A And that's not what you asked me before,
17 you said lawyers. And I had -- that's not important
18 to me whether or not my clients are lawyers or
19 whatever, I've not done legal work. I don't do --
20 my business is not doing legal support work for
21 lawyers.

22 Q So in terms of an investigation that might
23 be done, if someone wanted to hire you to do an
24 investigation and it was a law firm, are you saying
25 that's not the type of work that you would do?

1 A That is not currently my business.

2 Q During the time that you were Chief of
3 Police for the Town of Palm Beach the last couple of
4 years you were there, in addition to being the
5 Chief, did you have any outside employment?

6 A Did you say while I was Chief?

7 Q Correct.

8 A Yes.

9 Q As Chief of Police, what was your salary?
10 I assume it was a public record, a public
11 information?

12 A They just put it in the newspaper a couple
13 of weeks ago, I'm surprised you missed it. I'm
14 sorry, I don't mean to be flip.

15 Q What was your final salary, your final pay
16 for the -- on a yearly basis, annualized basis?

17 A Base pay in the 180's.

18 Q Did you get a bonus every year while you
19 worked -- during the time at Palm Beach?

20 A I got it's called longevity which is based
21 on a number of years of service. And there's also a
22 performance factor, everyone who has been there over
23 twenty years and has met a certain evaluation score
24 receives this thing called extraordinary longevity.

25 And then there's longevity for, at least for the

1 employees who were hired at the time period I was
2 hired, for employees who had been there over five
3 years up to twenty years. So there is a percentage
4 factor there as well. So, yes, I received
5 additional money other than my base salary.

6 Q In the last -- I'd say the last two years
7 that you were there, what was your average bonus?

8 A Well it's not called bonus, but --

9 Q Well the average additional compensation?
10 Talking about something like 5 or \$10,000 or is it
11 something like 10 or 20?

12 A It would be generally maybe the regular
13 longevity would be ten percent because I'd been
14 there over twenty years. And the extraordinary
15 longevity would be another -- depending on each year
16 that I was there I got a half a percent per each
17 year that I was there. So the percentage went up
18 each year based on my salary.

19 Q So the extraordinary longevity, if you
20 were there twenty-eight years, that would mean you
21 get a fourteen percent?

22 A Yes. Although I didn't -- I think that
23 they ended extraordinary longevity before my last
24 year there. It was the next to the last year was
25 the last year that I received it, that anybody did.

1 Q And in terms of when you were Chief you
2 said you also did -- excuse me, you had other
3 outside work or employment?

4 A As Chief I did two things on the outside.
5 Early on in my career I had been teaching at Palm
6 Beach Atlantic College back then, Palm Beach
7 Atlantic University. I taught there for about six
8 years organizational development, leadership
9 business classes. And once I became Chief I did
10 that for a little while to satisfy the obligations I
11 had with them and ended it at the end of that
12 academic year.

13 Q Did you ever do any other outside
14 employment, special security for someone or for any
15 individuals in Palm Beach or elsewhere?

16 A I did consulting for a private equity
17 firm.

18 Q What was the name of that firm?

19 A Well, is that -- I mean, where does -- I
20 have privacy. I have confidentiality agreements
21 with some of these people and I really don't see
22 what that has to do with this. And you know what,
23 I'm going to answer that because it's on my ethics
24 disclosure, it was a necessary --

25 Q Probably disclosed it for conflict

<p style="text-align: right;">Page 334</p> <p>1 reasons, didn't you?</p> <p>2 A No. Well, I mean, yeah, that's part of</p> <p>3 the ethics state, ethics form that police chiefs and</p> <p>4 others have to fill out. I disclosed it on that,</p> <p>5 that's the only reason. If I didn't have to do that</p> <p>6 I wouldn't answer the question. The Convest Group</p> <p>7 in West Palm Beach, I did some due diligence --</p> <p>8 Q Is that Mr. Cote (phonetic)?</p> <p>9 A Pardon me?</p> <p>10 Q Is that Mr. Cote?</p> <p>11 A No, it is not.</p> <p>12 Q Is that it during at least your last year</p> <p>13 as Chief, Convest?</p> <p>14 A Yes. And I --</p> <p>15 Q That was the only disclosure?</p> <p>16 A I did that sort of in anticipation of my</p> <p>17 retirement.</p> <p>18 Q In terms of the -- looking at the incident</p> <p>19 report, it appears that alleged victim 1 was</p> <p>20 interviewed in April -- I'm sorry, March of 2005.</p> <p>21 The next group of victims, alleged victims, does not</p> <p>22 appear to have been interviewed until approximately</p> <p>23 October of '05. Why the long time period? Do you</p> <p>24 have a recollection as to why almost seven months</p> <p>25 passed before any other alleged victims were</p>	<p style="text-align: right;">Page 336</p> <p>1 Q So the surveillance that was going on,</p> <p>2 what else was going on in addition to the</p> <p>3 surveillance?</p> <p>4 A I'd have to look at the report. Like you</p> <p>5 said, I had many other things I was involved in.</p> <p>6 Q From your recollection, did anyone</p> <p>7 indicate from either the trash pulls that were being</p> <p>8 conducted, the surveillance, any other investigation</p> <p>9 that was going on with Mr. Epstein between March and</p> <p>10 early October of 2005, any other events that caught</p> <p>11 your attention that there was anything of</p> <p>12 significance in the investigation?</p> <p>13 A I would have to look at the report. This</p> <p>14 was what, this is four years ago. I didn't</p> <p>15 participate in any of these things directly myself.</p> <p>16 And you're asking me about what other members of the</p> <p>17 department did and I don't have that committed to</p> <p>18 memory.</p> <p>19 Q From listening to the -- in responding to</p> <p>20 your questions I asked you about the escort service</p> <p>21 or a purported victim working for a massage parlor,</p> <p>22 if I -- let me strike -- let me not assume anything.</p> <p>23 If a girl was working in a massage</p> <p>24 parlor, underage girl was working in a massage</p> <p>25 parlor providing sexual favors to men for money or</p>
<p style="text-align: right;">Page 335</p> <p>1 interviewed?</p> <p>2 A No, I don't have a precise recollection,</p> <p>3 but you know about victims when you know about</p> <p>4 victims. And when you have one to be interviewed</p> <p>5 when one either comes forward or, you know, a victim</p> <p>6 tells us about another victim, which happened, we're</p> <p>7 generally diligent in finding them and interviewing</p> <p>8 them. So if none surfaced during that time period,</p> <p>9 that would be a reason why. I don't know that to be</p> <p>10 the case.</p> <p>11 Q And during that time; that is, during the</p> <p>12 period from March to October '05, mid March to the</p> <p>13 early October '05, there was ongoing surveillance of</p> <p>14 Mr. Epstein, I think you said, at Mr. Epstein's</p> <p>15 house and at least his airplane?</p> <p>16 A Was there a hurricane in that time period</p> <p>17 too, because that takes all of our attention. I'm</p> <p>18 sorry, I didn't mean to -- could you go back? 2005</p> <p>19 was Hurricane Wilma.</p> <p>20 Q Wilma came I thought in October.</p> <p>21 A Yes, I think so.</p> <p>22 Q Yeah, Wilma was October, and Jeanne and</p> <p>23 Frances were '04. So in the '05 period I don't</p> <p>24 think we had -- at least the hurricane came after.</p> <p>25 A Okay.</p>	<p style="text-align: right;">Page 337</p> <p>1 she was working in a strip club or as an escort</p> <p>2 underage, but providing sexual favors to men, would</p> <p>3 you have not considered those persons to have been a</p> <p>4 quote, unquote, victim, as they related to</p> <p>5 Mr. Epstein?</p> <p>6 MR. HILL: Object to the form.</p> <p>7 MR. KUVIN: Join.</p> <p>8 BY MR. CRITTON:</p> <p>9 Q And not legally, you?</p> <p>10 A Legally what I was about to say is that I</p> <p>11 think they would be because they can't really --</p> <p>12 Q Depending --</p> <p>13 A -- consent. But --</p> <p>14 MR. HILL: Object to the form.</p> <p>15 MR. KUVIN: Join.</p> <p>16 THE WITNESS: I would have referred it to</p> <p>17 the law enforcement agency to where she was</p> <p>18 supposed to have worked because that's, you</p> <p>19 know, a horrible thing. But I think that</p> <p>20 that -- that reflects on their voracity and</p> <p>21 their -- you know, whether or not they would be</p> <p>22 effective witnesses, absolutely.</p> <p>23 BY MR. CRITTON:</p> <p>24 Q And did you ever discuss with Mr. Krischer</p> <p>25 or Lanna or any other Assistant State Attorney the</p>

<p style="text-align: right;">Page 338</p> <p>1 information that had been provided to them by 2 Mr. Epstein's attorneys with regard to these 3 purported victims; that is, you had your 4 investigation, Town of Palm Beach investigation 5 which you turned over to the State Attorney. The 6 State Attorney had the benefit to add investigation 7 but they also had the benefit of information that 8 was being provided to them by Mr. Epstein's 9 attorneys regarding some, not all, of the alleged 10 victims, correct, you didn't have that information? 11 MR. HILL: Object to form. 12 MR. KUVIN: Join. 13 THE WITNESS: State case victims? 14 BY MR. CRITTON: 15 Q State case victims, correct. 16 A Mr. Krischer gave -- he told me in a 17 general sense of the kinds of things that led him to 18 believe that they were not going to be effective 19 victims if he went ahead with the prosecution. 20 Q But my question to you is, is you didn't 21 receive the information that the State Attorney had 22 with regard that may have been provided, that was 23 provided by Mr. Epstein's attorneys to 24 Mr. Krischer's office with regard to the background 25 of these females, of these state, alleged state</p>	<p style="text-align: right;">Page 340</p> <p>1 A No. 2 Q Have you ever been -- had you wanted to 3 see something in the State Attorney's file, have you 4 ever been refused access to a file so that you could 5 evaluate the information that the State Attorney 6 had? 7 A The State Attorney's Office has never been 8 free with allowing law enforcement to go through 9 their files. 10 Q Have you ever -- I'm sorry. 11 A I don't think I've ever been in a file, I 12 don't think I've ever asked to see anything in a 13 file. Because typically all that exists in a file 14 as far as I know is what we give them. And it's a 15 rare occasion their own investigators might do some 16 work. 17 Q But I'd say maybe the Epstein case was 18 unusual in a number of aspects, but clearly you knew 19 from Mr. Krischer that Mr. Epstein's attorneys had 20 provided substantial information regarding the 21 alleged victims. You knew that because he told that 22 you, true? 23 A Yes. 24 MR. KUVIN: Form. 25</p>
<p style="text-align: right;">Page 339</p> <p>1 victims, true? Not what he told you, what you saw? 2 MR. KUVIN: Objection, speculation, form. 3 THE WITNESS: I don't know what he had, 4 other than he did tell me he saw Facebook pages 5 and that there was a lot of information being 6 compiled by Mr. Epstein's lawyers. 7 It was certainly more than I had because I 8 didn't have any unless we discovered it on our 9 own. And by the time that had been 10 communicated to us and we went to the Facebook 11 pages, some of them didn't exist anymore. And 12 those that did I received a summary report of 13 what was there. 14 BY MR. CRITTON: 15 Q From whom? 16 A Detective Recarey or others that we may 17 have had -- involved in the case, or the detectives 18 that may have been involved in the case. 19 Q Did you ever look at the State Attorney's 20 Office file with regard to the females to determine 21 not only what was in your investigation but what had 22 been provided to the State Attorney's Office 23 regarding the alleged victims, state victims? 24 A I had never been offered access to it. 25 Q Did you ever ask?</p>	<p style="text-align: right;">Page 341</p> <p>1 BY MR. CRITTON: 2 Q And did you ever then go and ask 3 Mr. Krischer, you know what, you and I have a 4 difference of opinion, you can see that in Exhibit 5 3, the May 1, 2006 letter that I sent to you. Let 6 me see what you have, Barry, let's see what's in 7 your files so that I can determine whether our 8 investigation justifies the position that I've taken 9 or whether you, based on the information you have 10 from the Palm Beach Police Department and that 11 you've now received from Mr. Epstein's lawyers 12 justifies the position you've taken. Did you ever 13 do that? 14 A I didn't because I felt as though he had 15 summarized it with me. He told me that some 16 depicted use of marijuana and talk about -- lots of 17 talk about sex and things like that. I felt like he 18 had described it to me to its extent. 19 This is the first time I've heard 20 these other things that you're introducing today. 21 Q Having heard -- just describe what the -- 22 some of the information that I would represent to 23 you that Mr. Krischer had, does that now refresh 24 your recollection that Mr. Krischer set up a meeting 25 for you and Detective Recarey to attend with him and</p>

<p style="text-align: right;">Page 342</p> <p>1 Mr. Epstein's lawyer to review the exculpatory 2 evidence? 3 MR. KUVIN: Objection to form. 4 MR. HILL: Object to the form. 5 THE WITNESS: No, I don't remember that. 6 I remember a meeting that was set up and 7 cancelled and set up and cancelled to meet with 8 Mr. Dershowitz and other lawyers for that 9 purpose, and as far as I know the meeting never 10 happened. 11 BY MR. CRITTON: 12 Q And it's your -- 13 A -- no more involvement. 14 Q And it's your testimony that you never 15 refused to attend a meeting with Mr. Krischer after 16 the May 1st, 2006 letter that you wrote to him; is 17 that correct? 18 A That's correct, I don't remember that. In 19 fact he wouldn't return my phone calls for a very 20 long period of time. 21 Q With regard to you were asked a question 22 earlier by Mr. Kuvin with regard to a house manager 23 that Mr. Epstein used to have, Juana Lessy 24 (phonetic), remember that? 25 A I remember being asked about it, yes.</p>	<p style="text-align: right;">Page 344</p> <p>1 saying that the Palm Beach Police Department 2 set up the cameras for him? 3 BY MR. CRITTON: 4 Q No, they consulted with him. 5 Are you aware that the Palm Beach 6 Police Department assisted Mr. Epstein in getting 7 the surveillance cameras set up; that is, they 8 didn't buy it or they didn't do the actual set up 9 but that they participated in helping him set up 10 those cameras and how they were to be positioned, 11 such that he could deal with a potential theft or an 12 existing theft situation that was going on at his 13 house in the 2003, 2004 time frame? 14 MR. HILL: Objection to form. 15 MR. KUVIN: Objection to form, 16 speculation. 17 BY MR. CRITTON: 18 Q Were you aware of that? 19 A No. It would not be unusual after a crime 20 for the police department to advise the victim of 21 what they can do to reduce the risk for future 22 incidents. 23 Q If a SWAT team came to Mr. Epstein's house 24 and actually set up a video camera on the premises, 25 that would be news to you?</p>
<p style="text-align: right;">Page 343</p> <p>1 Q Do you know how the surveillance cameras 2 in Mr. Epstein's house came to be set up; that is, 3 are you aware of the Town of Palm Beach Police 4 Department's involvement in setting up those 5 cameras? 6 A I remember some sort of an incident that 7 happened at Mr. Epstein's home that somewhere 8 someone told me along the way we suggested that he 9 should have some sort of video to keep an eye on his 10 employees. That's the extent of what I remember 11 about that. 12 Q There was a reference to surveillance 13 cameras and the probable cause affidavit and as well 14 as the incident report involving Mr. Epstein, 15 whereas there's no reference whatsoever in that 16 incident report of the probable cause affidavit that 17 it was the Town of Palm Beach Police Department that 18 worked with Mr. Epstein to get those cameras set up 19 for purposes of a set of circumstances that he was 20 having back in the '03, '04 time period involving 21 theft from his home? 22 MR. KUVIN: Form. 23 MR. HILL: Form. 24 MR. KUVIN: Speculation. 25 THE WITNESS: I don't understand. Are you</p>	<p style="text-align: right;">Page 345</p> <p>1 A Yes. The SWAT team set up a video camera? 2 Q Chief Reiter, after Ms. Villafana sent you 3 the letter that she asked you to destroy, did you 4 have occasion to speak with her again separate and 5 apart regarding Mr. Epstein? 6 A She came -- oh, she came to my retirement 7 party. I spoke with her briefly regarding 8 Mr. Epstein. I don't believe so. If I did it was 9 very minimal, if at all. 10 Q Did you ever speak to her after 11 Mr. Epstein was sentenced to jail? 12 A I spoke with her immediately after Mr. 13 Epstein was sentenced because she was in the 14 courtroom. 15 Q And you were present as well? 16 A I was not present so I wanted to find out 17 what happened. That's how I found out what 18 happened. 19 Q And was that the last time you spoke with 20 her other than your retirement party about the 21 Epstein case? 22 A No. Because I know that we spoke about 23 the non-prosecution agreement. 24 Q By the time he was sentenced, the 25 non-prosecution agreement would have been signed?</p>

<p style="text-align: right;">Page 346</p> <p>1 A Yes. But I never saw it and they never 2 told me much of what was there. I don't remember 3 when, but it might have been afterwards, she gave me 4 a little bit more information of what was there. 5 And then I spoke with her about the letter. And I 6 may have spoken with her in between, but I don't 7 remember specifically speaking with her. 8 Q Did she ever tell you what had been worked 9 out under the non-prosecution agreement for the 10 purported victims from a civil standpoint; did she 11 ever explain that to you? 12 A Other than to tell me that some sort of 13 fund that was originally contemplated was not a part 14 of the non-prosecution agreement. I asked that and 15 I think she said no or something like that. 16 Q Had she told you originally when you 17 first -- at some point along the way, that she was 18 recommending or that's what she was trying to put 19 together, some sort of fund for the purported 20 victims? 21 A She said there was a facility in the 22 federal law that provided for this and that -- 23 that's always what my concern was, you know, the 24 victims, and she said that that had been 25 contemplated.</p>	<p style="text-align: right;">Page 348</p> <p>1 them the key to the bank? 2 MR. KUVIN: Objection to form. 3 THE WITNESS: I don't remember her ever 4 saying that. 5 BY MR. CRITTON: 6 Q There were a lot of questions about 7 Mr. Goldsmith and some questions about Ms. Coniglio. 8 Were there individuals who came to you that said, 9 you know, put the pedal to the metal on prosecuting 10 or pursuing your investigation against Mr. Epstein? 11 A No. Initially when the story broke I had 12 pretty much a -- a lot of people stepped away from 13 me and I didn't get a lot of people coming to me and 14 saying what you did was right and so on, and I 15 didn't even get a lot of people early on telling me 16 otherwise. 17 Did I have like other Police Chiefs 18 and people encourage me -- the one big thing was 19 asking the State Attorney to remove himself. And if 20 that is part of what you just asked me in your 21 question, then yeah, I mean some people were 22 encouraging about that. Put the pedal to the metal, 23 that's not -- 24 Q Maybe that's not the right expression 25 to --</p>
<p style="text-align: right;">Page 347</p> <p>1 I guess there was one point in time 2 long prior to when the non-prosecution agreement was 3 signed and the sentencing where we believed that 4 everything was going to come together, there was 5 going to be a sentencing, that there was going to be 6 signing of a non-prosecution agreement, it was going 7 to be resolved months before it actually was, and 8 she summarized what she thought was likely to go 9 through. Not in any depth, but did make mention of 10 some sort of fund at that time. 11 And then when the non-prosecution was 12 signed and the plea happened, I asked if that was in 13 their -- that provision made it to the final 14 version. I think she say it did not. 15 Q Did she ever tell you about what the form 16 of compensation, if any, was going to be to the 17 purported victims? 18 A No. She just said that the federal law 19 allowed this and that she knew I had concern for the 20 victims. And she told me that that had been 21 contemplated earlier and that it didn't happen at 22 least in the way it had been contemplated earlier in 23 its final version. 24 Q Did she ever tell you that she wanted the 25 victims to be compensated but didn't want to give</p>	<p style="text-align: right;">Page 349</p> <p>1 A No, it's not. And I never waved some big 2 flag and said that Jeffrey Epstein needs to spend 3 the rest of his life in prison, that was never what 4 I ever suggested to anyone. 5 Q Did anyone come to you after you wrote the 6 letter and after the May 1st letter was made public 7 and tell you or encourage you to pursue with the 8 feds or to go beyond Mr. Krischer; that is, beyond 9 the State Attorney, to try to get Mr. Epstein 10 prosecuted in a different form? 11 A No. I had already done what needed to be 12 done there. I'd already -- oh, after the letter, 13 you said -- 14 Q Right. 15 A -- after I wrote the letter. Well see 16 nobody knew about the letter until the Monday 17 after -- till we made the public records law 18 release. 19 Q After you wrote the letter, did -- and 20 again, did anyone -- I assume Recarey knew that you 21 were writing that letter? 22 A Yes. And the two assistant chiefs knew. 23 Q Did you discuss that you were going to -- 24 did you discuss with anyone other than people in the 25 department that you were going to write the May 1,</p>

41 (Pages 346 to 349)

<p style="text-align: right;">Page 350</p> <p>1 2006 letter, Exhibit 3, to Mr. Krischer?</p> <p>2 A Not that I can think of.</p> <p>3 Q Did you do your own research about the</p> <p>4 statute --</p> <p>5 A Yes.</p> <p>6 Q -- or were you aware of it?</p> <p>7 A I did my own research about the statute.</p> <p>8 Q Did you ever write to the Governor or to</p> <p>9 the Attorney General?</p> <p>10 A I did not.</p> <p>11 Q Other than writing to Mr. Krischer, did</p> <p>12 you send the letter to anyone else questioning</p> <p>13 Mr. Krischer's objectivity with regard to the</p> <p>14 Epstein investigation?</p> <p>15 A No. I actually thought he might get the</p> <p>16 letter and consider how strongly I must have felt to</p> <p>17 write it and remove himself.</p> <p>18 Q If in fact -- if I ask you to assume that</p> <p>19 another state attorney was appointed, that State</p> <p>20 Attorney, based on the same information that</p> <p>21 Mr. Krischer had, came to the same conclusion that</p> <p>22 Mr. Krischer had, that prosecution wasn't warranted</p> <p>23 or that it should be turned over to the Grand Jury,</p> <p>24 would you have been satisfied with that result?</p> <p>25 MR. HILL: Object to the form.</p>	<p style="text-align: right;">Page 352</p> <p>1 A No.</p> <p>2 Q Going back to your current business just a</p> <p>3 minute so I'll caution you, and then however you</p> <p>4 want to answer or not, but your current business, do</p> <p>5 you get -- are any of your clients potentially</p> <p>6 governments such as -- when I say governments, like</p> <p>7 the United States Attorney's Office, FBI, anything</p> <p>8 of that nature?</p> <p>9 A I have not contemplated doing any business</p> <p>10 like that. It could potentially be possible but</p> <p>11 that's just not my business now.</p> <p>12 Q If you would, give me the name of your</p> <p>13 current business one more time please?</p> <p>14 A Do you want me to answer that, the</p> <p>15 five-minute sign.</p> <p>16 Q Hopefully you can do it.</p> <p>17 A Michael Reiter and Associates, LLC.</p> <p>18 Q Florida Limited Liability Company?</p> <p>19 A That's correct.</p> <p>20 Q Since you left the -- is it your position,</p> <p>21 while even -- while you were Chief of Police, did</p> <p>22 you have an entity in effect that was a -- from what</p> <p>23 you did your concession business?</p> <p>24 A I reported that as self-employment tax</p> <p>25 situation.</p>
<p style="text-align: right;">Page 351</p> <p>1 THE WITNESS: Well, another hypothetical.</p> <p>2 It would have caused me to look at it much more</p> <p>3 closely. That was not something I contemplated</p> <p>4 at that point. I simply felt that he could not</p> <p>5 be objective in his decisions because of the</p> <p>6 way he handled it and felt like he might very</p> <p>7 well realize that if I tried to explain that to</p> <p>8 him and that he would have himself removed and</p> <p>9 another person would give it a complete fair</p> <p>10 shake, and I think that would have probably</p> <p>11 been enough for me.</p> <p>12 BY MR. CRITTON:</p> <p>13 Q Did you ever approach any other State</p> <p>14 Attorney in any other county or circuit and ask them</p> <p>15 to look at any of the information --</p> <p>16 A No.</p> <p>17 Q -- from the Epstein investigation?</p> <p>18 A No. I read in the news media that some of</p> <p>19 them made comments, but I never approached any of</p> <p>20 them about this.</p> <p>21 Q Other than the FBI and the USAO and the</p> <p>22 State Attorney, did you ever provide any of the</p> <p>23 investigative material; that is, the Palm Beach</p> <p>24 Police Department report, to anyone else outside of</p> <p>25 the department to comment on?</p>	<p style="text-align: right;">Page 353</p> <p>1 Q Other than Michael Reiter and Associates,</p> <p>2 LLC, since the time you've been Chief, are there any</p> <p>3 other businesses that you operate?</p> <p>4 A No.</p> <p>5 Q That's all I have.</p> <p>6 MR. KUVIN: Couple of follow up. Do you</p> <p>7 want to change the tape first?</p> <p>8 THE VIDEOGRAPHER: We're off the record at</p> <p>9 7:18. This is the end of tape 6.</p> <p>10 (Off the record)</p> <p>11 THE VIDEOGRAPHER: We're back on the</p> <p>12 record at 7:22. This is the beginning of tape</p> <p>13 7.</p> <p>14 REDIRECT EXAMINATION</p> <p>15 BY MR. KUVIN:</p> <p>16 Q I'll try to be as quick and brief as</p> <p>17 possible.</p> <p>18 Counsel asked you questions about</p> <p>19 whether or not you looked at the file at the State</p> <p>20 Attorney's Office. Do you recall that?</p> <p>21 A I do.</p> <p>22 Q Did Barry Krischer or anyone at the State</p> <p>23 Attorney's Office ever offer to show you the file?</p> <p>24 A No.</p> <p>25 Q They ever invite you over to look at their</p>

<p style="text-align: right;">Page 354</p> <p>1 file?</p> <p>2 A No.</p> <p>3 Q Do you know whether or not Mr. Epstein is</p> <p>4 a confidential informant for the FBI or the U.S.</p> <p>5 Government and that's why the feds cut him such a</p> <p>6 sweet deal with respect to the federal prosecution?</p> <p>7 MR. CRITTON: Form.</p> <p>8 THE WITNESS: I asked that question of</p> <p>9 Mr. Acosta when I met with him and he responded</p> <p>10 that as far as he was aware that was not</p> <p>11 contemplated.</p> <p>12 BY MR. KUVIN:</p> <p>13 Q Okay. The report that you were asked</p> <p>14 about before which we've marked as Exhibit Number 2,</p> <p>15 just so we're clear, is that a report regularly kept</p> <p>16 as a business record by the police department back</p> <p>17 when you worked there?</p> <p>18 A Yes.</p> <p>19 Q And the reports that are entered into the</p> <p>20 system, are they made at or about the time that the</p> <p>21 information is obtained by the police officer? In</p> <p>22 other words, they learn the information and as soon</p> <p>23 as possible they put it into the report and the</p> <p>24 information?</p> <p>25 MR. CRITTON: Form.</p>	<p style="text-align: right;">Page 356</p> <p>1 Q You're aware, are you not, that incidents</p> <p>2 initially reported went back as far as at least</p> <p>3 February that same year, correct?</p> <p>4 MR. CRITTON: Form.</p> <p>5 BY MR. KUVIN:</p> <p>6 Q Take a look at page 12 just so we're</p> <p>7 clear. Paragraph two, second line where it says she</p> <p>8 believes the incident occurred on Monday, February</p> <p>9 6th, 2005, do you see that?</p> <p>10 A Yes.</p> <p>11 MR. CRITTON: Form.</p> <p>12 THE WITNESS: Obviously the incident would</p> <p>13 have had to occur prior to its report to us.</p> <p>14 BY MR. KUVIN:</p> <p>15 Q Okay. So as far as the initial reporting</p> <p>16 was concerned, you knew of incidents, or the</p> <p>17 department knew of incidents, going back at least as</p> <p>18 far as February 6, 2005?</p> <p>19 MR. CRITTON: Form.</p> <p>20 THE WITNESS: And further I think.</p> <p>21 BY MR. KUVIN:</p> <p>22 Q Okay. And in fact there were additional</p> <p>23 documents that were obtained during the</p> <p>24 investigation showing connections between these</p> <p>25 girls going back into 2004. Are you aware of that?</p>
<p style="text-align: right;">Page 355</p> <p>1 THE WITNESS: Typically. But as I said</p> <p>2 earlier, in investigations that are noteworthy</p> <p>3 like this, or very confidential, they're often</p> <p>4 not entered until, you know, the point for</p> <p>5 filing a probable cause affidavit in some cases</p> <p>6 later.</p> <p>7 BY MR. KUVIN:</p> <p>8 Q Gotcha. Would you agree with me that</p> <p>9 Exhibit 2, as far as you understand it, is a</p> <p>10 business record for the City of Palm Beach Police</p> <p>11 Department, or Town of Palm Beach Police Department?</p> <p>12 A Yes.</p> <p>13 MR. CRITTON: Form.</p> <p>14 BY MR. KUVIN:</p> <p>15 Q The current date on -- well, strike that.</p> <p>16 Mr. Critton was asking a whole bunch</p> <p>17 of questions about when this investigation began,</p> <p>18 like three hours ago when he started asking you</p> <p>19 those questions. Do you recall when he started</p> <p>20 asking about that?</p> <p>21 A I do.</p> <p>22 Q And he was pointing to the date at the</p> <p>23 beginning of the report of 3/14/2005; do you recall</p> <p>24 that?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 357</p> <p>1 MR. CRITTON: Form.</p> <p>2 THE WITNESS: I just said that I thought</p> <p>3 it was prior to that, yes.</p> <p>4 BY MR. KUVIN:</p> <p>5 Q Okay. Have you ever seen the Western</p> <p>6 Union money transfers that were initiated between</p> <p>7 Mr. Epstein and some of the girls as Christmas</p> <p>8 bonuses?</p> <p>9 MR. CRITTON: Form.</p> <p>10 BY MR. KUVIN:</p> <p>11 Q Did you ever look at those?</p> <p>12 MR. CRITTON: Form.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MR. KUVIN:</p> <p>15 Q Let me show you what we'll mark as</p> <p>16 Exhibit -- let's see. What are we on now? 7? Oh,</p> <p>17 here we go. I got it.</p> <p>18 A Yeah, I have 6 here.</p> <p>19 Q That's okay. Let me show you what I've</p> <p>20 marked Exhibit 7.</p> <p>21 Do you recall ever seeing the money</p> <p>22 transfers from Western Union from Mr. Epstein to one</p> <p>23 of the alleged victims in the case?</p> <p>24 MR. CRITTON: Form.</p> <p>25 THE WITNESS: No.</p>

<p style="text-align: right;">Page 358</p> <p>1 MR. CRITTON: May I see your Exhibit 7?</p> <p>2 MR. KUVIN: Sure. I'm going to have to</p> <p>3 make a copy for you.</p> <p>4 THE WITNESS: I may have, I just don't</p> <p>5 recall it.</p> <p>6 BY MR. KUVIN:</p> <p>7 Q That's fine. And Detective Recarey</p> <p>8 actually pulled the flight logs from Mr. Epstein's</p> <p>9 airplane, did he not? Are you aware of that?</p> <p>10 A Yeah, I think I remember him doing that.</p> <p>11 Q Okay. Let me show you what we'll mark</p> <p>12 Exhibit 8. Were you aware that Detective Recarey</p> <p>13 actually did a summary of those flight logs and kept</p> <p>14 them?</p> <p>15 A No.</p> <p>16 Q Let me show you what we'll mark as Exhibit</p> <p>17 8 and see if recall seeing that. Identified as a</p> <p>18 flight log summary with respect to the people that</p> <p>19 were flown on Mr. Epstein's plane. Does that</p> <p>20 refresh your recollection at all?</p> <p>21 MR. CRITTON: What's the pending question?</p> <p>22 MR. KUVIN: Yes. Whether he's seen the</p> <p>23 flight log summary that Detective Recarey</p> <p>24 performed with respect to the people that flew</p> <p>25 on Mr. Epstein's jets and planes.</p>	<p style="text-align: right;">Page 360</p> <p>1 pled guilty to.</p> <p>2 Q Well, Mr. Critton wants details.</p> <p>3 He's a licensed sexual offender now,</p> <p>4 is he not?</p> <p>5 MR. CRITTON: Form.</p> <p>6 THE WITNESS: That's my understanding.</p> <p>7 Not licensed but a registered --</p> <p>8 BY MR. KUVIN:</p> <p>9 Q Sorry, registered, not licensed.</p> <p>10 A Hopefully they're not licensed in that</p> <p>11 the --</p> <p>12 Q I would hope not.</p> <p>13 A Although the letters are right I guess.</p> <p>14 Q Although it's getting late in the day,</p> <p>15 could be licensed by now.</p> <p>16 All right. And then Mr. Critton</p> <p>17 asked you a whole bunch of questions about the</p> <p>18 quality of Detective Recarey's investigation. Do</p> <p>19 you remember those questions generally?</p> <p>20 A Yes.</p> <p>21 Q All right. And during the three hours of</p> <p>22 questioning that Mr. Critton had with you, did he</p> <p>23 point out any errors with Detective Recarey's</p> <p>24 investigation other than this alleged salad fork</p> <p>25 issue?</p>
<p style="text-align: right;">Page 359</p> <p>1 THE WITNESS: I don't think I've seen</p> <p>2 these before. I don't remember if I have.</p> <p>3 BY MR. KUVIN:</p> <p>4 Q Okay. And Mr. Critton had asked questions</p> <p>5 about --</p> <p>6 MR. CRITTON: If you're going to show him</p> <p>7 other exhibits would you show them to us first</p> <p>8 so I know what we're looking at.</p> <p>9 BY MR. KUVIN:</p> <p>10 Q And with respect to Mr. Critton's</p> <p>11 questions, he asked you about whether or not there</p> <p>12 was sufficient information to charge Mr. Epstein and</p> <p>13 the quality of that information. Do you remember</p> <p>14 generally those questions?</p> <p>15 A Generally, yes.</p> <p>16 Q Mr. Epstein ultimately pled guilty, did he</p> <p>17 not?</p> <p>18 A Yes.</p> <p>19 Q You're aware that he pled guilty to, I</p> <p>20 believe it was solicitation of a minor for</p> <p>21 prostitution?</p> <p>22 MR. CRITTON: Form.</p> <p>23 BY MR. KUVIN:</p> <p>24 Q Or I didn't get it correct?</p> <p>25 A I don't remember the exact charge that he</p>	<p style="text-align: right;">Page 361</p> <p>1 MR. CRITTON: Form.</p> <p>2 THE WITNESS: He suggested that there were</p> <p>3 facts that were admitted that were exculpatory.</p> <p>4 BY MR. KUVIN:</p> <p>5 Q Did you know any of those facts during</p> <p>6 that three hours of questioning?</p> <p>7 A Not specifically. He gave me</p> <p>8 hypotheticals about situations that I think he at</p> <p>9 least insinuated existed but were not documented.</p> <p>10 Q Okay. Let's take a look just real</p> <p>11 quickly, page 19 of the Exhibit 2, I just want to go</p> <p>12 through some of these real fast. I'm just not quite</p> <p>13 sure which one might have been the salad fork so I</p> <p>14 want to clear that up.</p> <p>15 MR. CRITTON: Where are you, Spencer?</p> <p>16 MR. KUVIN: Page 19, Exhibit 2.</p> <p>17 BY MR. KUVIN:</p> <p>18 Q If we look at the third paragraph or</p> <p>19 fourth paragraph from the bottom, there's a purple</p> <p>20 item retrieved from the trash pull of 358 El Brillo.</p> <p>21 The item was similar in description to the one</p> <p>22 described by blank --</p> <p>23 A I'm sorry, we're on page 19?</p> <p>24 Q Yes, sir.</p> <p>25 A How many paragraph from the bottom?</p>

<p style="text-align: right;">Page 362</p> <p>1 Q I'll go back. Roughly four paragraphs 2 from the bottom paragraph, begins with on this same 3 date. 4 A Okay. 5 Q And paragraph down, the detective contacts 6 website and identifies this item a jelly anal wand 7 of some sort. Is that what you heard might have 8 been a salad fork? 9 MR. CRITTON: Form. 10 THE WITNESS: I'm assuming that that's 11 what they're talking about, yes, so it was in 12 here. 13 BY MR. KUVIN: 14 Q Okay. Page 32, if you would turn to that 15 page, second paragraph from the bottom. See on the 16 second paragraph from the bottom something referred 17 to as a purple finger sized object with a broken end 18 referred to as a sexual toy similar to a cyclone 19 vibrator possibly used for rectal gratification. 20 Was that the salad fork or was it the jelly anal one 21 that was the salad fork? I'm just trying to make 22 sure because they're both purple. 23 A I'm sorry, was that a question to me? 24 Q Yeah. I wish he'd answer it but no, I've 25 got to ask you.</p>	<p style="text-align: right;">Page 364</p> <p>1 Q Top of the page right in the middle of the 2 paragraph, one of the victims references on occasion 3 Epstein would use a massager vibrator which she 4 described as white in color with a large head. Do 5 you recall whether or not that was confiscated from 6 the home? 7 MR. CRITTON: Form. 8 THE WITNESS: I would only know if the 9 report says that it was. It talks about what 10 you just mentioned but it doesn't, at least in 11 this paragraph, say whether or not it was 12 seized. 13 BY MR. KUVIN: 14 Q Okay. Based on the investigation that was 15 performed by the department, all of the information 16 that was provided to you by Detective Recarey and 17 other sources, was there any question in your mind 18 that Mr. Epstein had had improper and illegal 19 contact with numerous minors? 20 MR. CRITTON: Form. 21 THE WITNESS: There was no question in my 22 mind. 23 MR. KUVIN: That's all I have. 24 MR. GARCIA: Just a couple of questions. 25 Do you have any?</p>
<p style="text-align: right;">Page 363</p> <p>1 A I have no personal knowledge about any of 2 this, and I haven't read this for some time. I 3 don't know, I don't know what he's referring to. 4 Q Not a problem. I just wanted to make sure 5 that you didn't know of any other things in here 6 that might be potential mistakes that Mr. Critton 7 might have been referring to. 8 If we turn to page 44, top of page, 9 you know of any mistakes or errors with respect to 10 the peach flavored joy jelly that was confiscated 11 from the home? 12 A No. 13 Q Page 46, second paragraph from the top. 14 MR. CRITTON: Which page now? 15 MR. KUVIN: Page 46. 16 BY MR. KUVIN: 17 Q Are you aware of any potential errors with 18 respect to misidentification of the adult sex toys 19 called twin torpedoes and soap in the shape of a 20 penis and vagina that was also found at the home? 21 MR. CRITTON: Form. 22 THE WITNESS: No. 23 BY MR. KUVIN: 24 Q Page 49, if you can turn to that page. 25 A Okay.</p>	<p style="text-align: right;">Page 365</p> <p>1 MR. HILL: I do not, thank you. 2 RECROSS EXAMINATION 3 BY MR. GARCIA: 4 Q You said that you asked Mr. Acosta if 5 Mr. Epstein was being given some extra protection 6 because you thought he might be a confidential 7 informant? 8 A I asked him if Mr. Epstein was a -- that's 9 not the actual term that they use in the federal law 10 enforcement world. Had provided substantial 11 assistance in exchange for special consideration in 12 this case, and he said that was not contemplated as 13 far as he knew. He's the State Attorney. He was 14 the U.S. Attorney for the Southern District of 15 Florida, and I took it that when he said as far as 16 he knew that, you know, he would probably only know 17 about this particular district. 18 Q But I'm wondering why you asked that 19 question, what triggered that question in your mind? 20 A Because the federal investigation had 21 stalled. Communication regarding the federal 22 investigation to the Palm Beach Police Department 23 had ended at some point, and I knew that the federal 24 authorities when they take a case like this and they 25 begin to investigate it, they don't normally stop</p>

<p style="text-align: right;">Page 366</p> <p>1 cases for reasons, they normally work -- sometimes 2 it's very hard to get them to do anything, but once 3 they get going on it they usually go on it and get 4 it done. And it didn't appear to me like that was 5 the case and that was very unusual. So I was 6 running through sort of a list of reasons why it 7 ended. They told me it didn't end. But it was 8 clear to me that there was no evidence that it was 9 actively continuing, so I thought that was a 10 possibility. 11 Q Did the FBI agents express any frustration 12 with you about the outcome of the federal 13 investigation? 14 A Yes. 15 Q Did you ever read any published reports 16 that Mr. Epstein had in fact participated in 17 providing substantial information in ongoing federal 18 investigation outside of the Southern District of 19 Florida? 20 MR. CRITTON: Let me just object to form. 21 Did he read some internal report or just seen 22 it in the news media someplace? 23 MR. GARCIA: Either one. 24 MR. CRITTON: Okay. Form. 25 THE WITNESS: Saw it suggested in the news</p>	<p style="text-align: right;">Page 368</p> <p>1 A They asked the Palm Beach Police 2 Department to assist in the issuance of the 3 subpoenas, to provide information on how to locate 4 the victims. And they asked about, if I recall, a 5 small number of victims, two or three, I can't 6 remember, maybe even four. And I wondered about 7 that because we presented a case to them with more 8 victims in it and became aware of the length of the 9 time of the Grand Jury. And we had -- I said that 10 there were members of the Palm Beach Police 11 Department that were subpoenaed for that without 12 identifying them. And so we know roughly how long 13 it took, so I always assumed that they did not 14 consider all the victims for all of those reasons. 15 And then the actual, the true bill 16 that came out of the Grand Jury, I don't think I saw 17 that for a very long time, but I had to sort of 18 follow it and then report it. And so I saw the 19 charges that the sheriff's office had and it's at 20 least my recollection that there was one charge and 21 it was explained to me is that in this particular 22 case two misdemeanors make a felony. So that's at 23 least my understanding of the true bill that came 24 out, the indictment that came out of the Grand Jury. 25 Q That's all I have. Thanks.</p>
<p style="text-align: right;">Page 367</p> <p>1 media. 2 BY MR. GARCIA: 3 Q Did the FBI agents have any information 4 that they were able to share with you about 5 Mr. Epstein's status in providing substantial 6 information in that investigation? 7 A I didn't ask them, I asked the U.S. 8 Attorney. They did not share it with me. 9 Q Did the U.S. Attorney deny that 10 Mr. Epstein was serving in that capacity or did he 11 simply say that it was not contemplated as to -- it 12 was not an influence on the investigation? 13 A What he said was that as far as he was 14 aware, that was not contemplated, that he -- it was 15 more about in the future, was he going to do this 16 and he was going to get something in return, not was 17 he currently doing it, providing substantial 18 assistance. 19 Q I see. In terms of the Grand Jury 20 indictment, was that for a single victim? 21 A I wasn't a part of the Grand Jury. 22 Q I'm talking about what they presented as 23 in indictment for public -- 24 A Oh, the indictment? 25 Q Yeah.</p>	<p style="text-align: right;">Page 369</p> <p>1 MR. CRITTON: No other questions. 2 THE VIDEOGRAPHER: This concludes the 3 deposition. The time is 7:38. 4 (Thereupon, the deposition was concluded.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

<div data-bbox="121 157 738 955"> <p>1 CERTIFICATE OF OATH</p> <p>2</p> <p>3</p> <p>4 THE STATE OF FLORIDA,)</p> <p>5 COUNTY OF PALM BEACH.)</p> <p>6 I, the undersigned authority, certify that MICHAEL</p> <p>7 REITER personally appeared before me and was duly sworn on</p> <p>8 the 23rd day of November, 2009.</p> <p>9 WITNESS my hand and official seal this 30th day of</p> <p>10 November, 2009.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 _____</p> <p>19 VANESSA G. ARCHER</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> </div>	<div data-bbox="836 157 1453 955"> <p>1 ERRATA SHEET</p> <p>2</p> <p>3 B.B. vs. Jeffrey Epstein</p> <p>Case No: 502008CA37319 XXXX MB AB</p> <p>11/23/09</p> <p>4 DO NOT WRITE ON TRANSCRIPT - - ENTER CHANGES HERE:</p> <p>5 Page: _____ Line: _____</p> <p>Now reads: _____</p> <p>6</p> <p>Should read: _____</p> <p>Reason for Change: _____</p> <p>7</p> <p>8 Page: _____ Line: _____</p> <p>Now reads: _____</p> <p>9</p> <p>Should read: _____</p> <p>Reason for Change: _____</p> <p>10</p> <p>11 Page: _____ Line: _____</p> <p>Now reads: _____</p> <p>12</p> <p>Should read: _____</p> <p>Reason for Change: _____</p> <p>13</p> <p>14 Page: _____ Line: _____</p> <p>Now reads: _____</p> <p>15</p> <p>Should read: _____</p> <p>Reason for Change: _____</p> <p>16</p> <p>17 Page: _____ Line: _____</p> <p>Now reads: _____</p> <p>18</p> <p>Should read: _____</p> <p>Reason for Change: _____</p> <p>19</p> <p>20</p> <p>Under penalties of perjury, I declare that I have</p> <p>21 read my foregoing transcript and, together with any changes</p> <p>made above, the facts stated herein are true.</p> <p>22</p> <p>23</p> <p>24 _____</p> <p>DATE (Witness Name)</p> <p>25</p> </div>
<div data-bbox="121 1039 738 1837"> <p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 THE STATE OF FLORIDA,)</p> <p>4 COUNTY OF PALM BEACH.)</p> <p>5</p> <p>6 I, VANESSA G. ARCHER, Court Reporter, certify that</p> <p>7 I was authorized to and did stenographically report the</p> <p>8 foregoing deposition; that a review of the transcript was</p> <p>requested; and that the transcript, Pages 1 through 371, is</p> <p>9 a true and complete record of the testimony given by the</p> <p>witness.</p> <p>10</p> <p>11 I further certify that I am not a relative,</p> <p>employee, attorney, or counsel of any of the parties, nor am</p> <p>12 I a relative or employee of any of the parties' attorney or</p> <p>counsel connected with the action, nor am I financially</p> <p>13 interested in the action.</p> <p>14</p> <p>15 The certification does not apply to any</p> <p>reproduction of the same by any means unless under the</p> <p>16 direct control and/or direction of the reporter.</p> <p>17</p> <p>18 Dated this 30th day of November, 2009.</p> <p>19</p> <p>20 _____</p> <p>21 VANESSA G. ARCHER, COURT REPORTER</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> </div>	